United Nations A/63/953

General Assembly

Distr.: General
27 August 2009

Original: English

Sixty-third session
Agenda item 13
Protracted conflicts in the GUAM area and their implications for international peace, security and development

Letter dated 10 August 2009 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the report prepared by the Government of Georgia on the aggression by the Russian Federation against Georgia (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the sixty-third session of the General Assembly, under agenda item 13.

(*Signed*) Alexander **Lomaia**
Permanent Representative

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Annex to the letter dated 10 August 2009 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General

Report by the Government of Georgia

on

the aggression by the Russian Federation against Georgia*

August 2009

* The report is being issued without formal editing.

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Introduction

In 2008, the Russian Federation launched a full-scale assault against a sovereign state—its immediate neighbor, Georgia. This incursion, systematically preceded by political and other provocations, was the violent climax of policies pursued by Russia against Georgia over many years. Rather than work to peacefully resolve the conflicts in Georgia, Russia systematically stoked them. Moscow interfered in Georgian politics, supplied separatist militias with arms, ignored its peacekeeping responsibilities, failed to prevent widespread ethnic cleansing of Georgians and, ultimately, sought to annex Georgian territories by means of military force. Russia's main goals have been to annex Georgian territories, overthrow Georgia's legitimate government, subvert Georgia's independence, curtail Georgia's sovereignty, and send a message to its neighbors and to the West that it is in control of what it calls its "sphere of privileged interest".

To date, the Russian Federation has only partially achieved its aims: since August 2008, inalienable parts of Georgia – namely, Abkhazia and the South Ossetia/Tskhinvali region – now exist under a state of full-scale Russian military occupation (note, however, that these areas had previously been controlled by Russian military and law enforcement forces, disguised as "peacekeepers").

This document represents the Georgian Government's report to the public on the background and details of the August conflict. The purpose of this document is to provide the public with information on the political situation in Georgia, the changing nature of Georgia's relationship with Russia, and Georgia's efforts to secure a peaceful resolution to the ongoing conflict. It covers the current political situation in Georgia, presents the history behind the conflict, and describes the actions taken by the Georgian Government in response to Russia's relentless provocations. This document aims to provide comprehensive and transparent information on these issues.

This document will focus on the three main actors involved in the process:

- The Russian Federation and its puppet regimes in South Ossetia/Tskhinvali region and in Abkhazia;
- The Georgian authorities and its various political structures; and,
- The international community, including the main international organizations.

The document covers the policies pursued by these three actors, the actions they have undertaken and the crucial decisions that were made throughout the process.

Legal, political, and military documents are also attached as appendices to this report.

Chapter 1: The genesis of the conflict

1989-1994

1.1. Disintegration of the Union of Soviet Socialist Republics (USSR), Russia's attempt to maintain its influence over the former Soviet Republics and the creation of the Commonwealth of Independent States (CIS)

Towards the end of the 1980s, as the Soviet Union entered its final throes and began to disintegrate, a strong national liberation movement was born in Georgia. This national liberation movement was marked by intense anti-Soviet sentiments, which were exhibited via demonstrations and other forms of civil protest. The growth of the national liberation movement led to a repressive crack-down by both Georgia's Communist Government and the Moscow-based central authorities. This was manifested in the violent break-up of peaceful meetings, the persecution of leaders of the national liberation movement, and attempts to stir up civic and ethnic confrontation. As a result of efforts to divert attention via ethnic politicization, there was a noticeable escalation in the degree of artificially generated internal conflict in Georgia. In particular, the situation in Abkhazia and the South Ossetia/Tskhinvali region became overtly tense and antagonistic.

On 31 March 1991, as a result of a national referendum in Georgia (including the Abkhazian Autonomous Republic and former South Ossetia), Georgia adopted an Act of Independence and declared its independence from the Soviet Union. The nascent country's borders followed the internationally recognized borders of 21 December 1921.

On 8 December 1991, the former Soviet Republics signed a document that confirmed the disintegration of the USSR (the Belovezh Treaty). With the exception of Georgia and the three Baltic states, the former Soviet Republics joined together to establish the Russo-centric Commonwealth of Independent States.

1.2. Georgia's attempt to pursue an independent policy

In 1991, political processes in Georgia were defined by the country's widely popular national-liberation movement. The aim of the movement was to restore Georgian independence. It saw the West as Georgia's main ally. In light of this, Georgia began to follow a development path that differed from that of other former Soviet Republics.

Simultaneously, post-Communist state institutions started to form in the country. The then-government—which was faced with a series of urgent political, economic, social, and military problems—had to institute a deep-rooted reform program.

The orientation chosen by Georgia—including its path of strategic development—was based on a democratic mandate that for the first time saw its national interests rooted in public consensus. However, these interests quickly turned out to be incompatible with Russia's own political and geostrategic goals. As a result, Russia, from the outset of the post-Soviet era, instituted policies aimed at undermining Georgian statehood.

In policy terms, one of the first areas where this discord became apparent was in the field of ethnic manipulation. The Russian authorities—building upon tensions Moscow itself had stoked among "separatist elites" in Georgia's autonomous regions—sought to further inflame the situation by dividing Georgia's territory. In Abkhazia, for instance, the political elite remained totally dependent on Russia, to the extent that following independence they did not appreciate or respond to the Georgian national government offer of parity in the Abkhazian Supreme Council (parity that would have been achieved by reducing the number of Georgian representatives). While newly independent Georgia attempted to adjust its policies to accommodate these autonomous republics, Russian policies continued to foment political differences among the newly formed political elites in Georgia's capital, with the aim of sparking internal confrontation.

Russia's efforts to sow discord resulted in a series of civil confrontations both in the autonomous areas of Georgia and in Georgia's capital, Tbilisi. The deteriorating security situation, combined with the weak state of public institutions, opened the way for organized criminal groups and militias to gain substantial power.

Rent-seeking opportunists seized this opportunity to gain power. This trend applied to the elites in the capital, as well as to local elites in Sukhumi and the South Ossetia/Tskhinvali region, both of which were encouraged by Russia. These groups, claiming to be driven by "national interests," actively opposed each other, resulting in conflict, the destruction of property, the plunder of public and private assets, the terrorizing of local populations, theft, banditry, and the labeling of all of these violent and criminal activities as "ethnic confrontation."

It is noteworthy that the above-mentioned groups obtained weapons, bullets, and other forms of military materiel from Russian military bases located on the territory of Georgia and directly from Russia. This led to a marked increase in the amount of weaponry and ammunition at their disposal. In parallel to the deteriorating security situation, Russian military instructors also arrived in Georgia to train the separatists. At the beginning of this period of conflict, the separatists used mainly small-caliber pistols and automatic firearms; however, by the end, tanks, battleships, and mortars were widely available (for example, on 14 August 1992, the 643rd rocket-carrying air regiment of the Russian armed forces provided the Abkhaz separatists with 984 automatic guns, 267 pistols, 18 mortars, 600 flare pots, over 500 trench bombs, bullets, gun powder, military vehicles, uniforms, food, chemical weapons, and other engineering equipment).

The plan to further inflame ethnic tensions was not limited to the local population. With the help of Russian Special Services, volunteer mobilization centers were formed in the North Caucasus. From those centers, "boeviks" (warriors) were sent in an organized fashion to different hot spots in Georgia. In this manner, Kazakhs, as well as Chechens, Ingush, Armenians, and other Caucasian nationals found themselves involved in the conflict in Georgia.

At crucial points during the conflict, Russian military forces became directly involved in combat and directly participated in military operations. In addition to Special Servicemen and commandos, Russian artillery and aviation were also actively used. For example, in Abkhazia, Georgian military formations brought down a Russian SU-27 fighter jet flown by a Russian pilot. The Russian Minister

of Defense reacted to this fact in a cynical manner, claiming that the Georgians had painted Russian Army identification markings on the plane.

On 24 June 1992, the Sochi (Dagomis) Agreement was signed. This was a bilateral agreement between Georgia and Russia that established principles for regulating the Georgian-Ossetian conflict.

Unfortunately, the Abkhazian conflict continued despite several negotiated ceasefire agreements. These included the agreements of 3 September 1992; and 27 July 1993. In all cases the separatist armed forces of the disputed regions and the Russian Army violated the agreements. After signing the first agreement on 3 September 1992, the Georgian population in Gagra was subjected to mass executions and ethnic cleansing between 1-3 October 1992. After the ceasefire agreement was signed on 27 July 1993—which Georgia honored by demilitarizing Sukhumi—separatist forces backed by Russia launched a large-scale attack on September 16 in Sukhumi, which was followed by the ethnic cleansing of the local Georgian population that ended with the fall of Sukhumi on 27 September 1993.

These violations, and the constant interference of the Russian Army and Russia's Special Services, guaranteed that Russia would achieve its aim in the South Ossetia/Tskhinvali region and Abkhazia. The central Georgian Government lost control over these regions, thousands of civilians lost their lives in ethnic cleansing, and several hundred thousand people lost their homes and shelter. After the ethnic cleansing and forced mass emigration, only 20-25% of the pre-war local population was left in Abkhazia. To reinforce these developments, Russia manipulated diplomatic channels to lock in the status quo and legitimize it via a ceasefire agreement. It was during this period of time that Georgia agreed to join the CIS. On 9 December 1993, Georgia became a member of the CIS Collective Security Treaty Organization.

On 14 May 1994, the Moscow Agreement "On Ceasefire and Separation of Forces" in Abkhazia was signed, which determined all further formats.

It is noteworthy that Russia's diplomatic efforts resulted in Russia becoming the only recognized organized force in the region. In effect, Russia functioned as both the mediator and peacekeeper of a conflict that was both initiated by Moscow and in which it continued to be actively involved. Perversely, Russian occupying forces were thus granted the status of peacekeepers.

Supposedly neutral "peace processes" were established in the South Ossetia/Tskhinvali region and Abkhazia, enabling Russia to determine and control the situation in both regions. For the purpose of diplomatic disguise, the peacekeepers in Abkhazia were called "CIS" peacekeepers, even though in reality the forces were composed exclusively of Russians. Similarly in the South Ossetia/Tskhinvali region Russia was represented twice—in the form of peacekeeping representatives from North Ossetia (an autonomous entity in the Russian Federation without international legal status) and from Russia, with only one group of Georgian peacekeepers in operation. This exemplified the leverage that Russia achieved and came to exert in both conflict zones.

In reality, the "peacekeeping" forces located in Abkhazia and the South Ossetia/Tskhinvali region under the Sochi/Dagomis and Moscow agreements were not trained to carry out peace missions.

These forces were in fact ordinary infantry sub-divisions that were ordered to act as occupying forces (however, now doing so under the "agreed mandate").

1.3. Involvement of international institutions

In the face of this problematic reality, Georgia sought to resolve the conflicts by involving specialized international institutions and organizations. These international organizations sought to distribute amongst themselves the lead roles in peacekeeping efforts in the conflict regions. The United Nations took the lead in Abkhazia, and the Organization for Security and Cooperation in Europe (OSCE) took the lead in the South Ossetia/Tskhinvali region.

The OSCE Mission in Georgia

On 6 November 1992, the OSCE mission was set up in Georgia. Alongside other functions, the OSCE's mandate prioritized the monitoring of the general situation in the South Ossetia/Tskhinvali region and a commitment to assist the continuation of the peace process. Specifically, the OSCE opened a Human Rights Monitoring Office in Abkhazia in 1997, in cooperation with the UN.

Before the war in August 2008, there were a mere 8 OSCE military observers in the South Ossetia/Tskhinvali region. In spite of Georgia's repeated requests to increase the number of observers, the Russians and their separatist allies refused to permit the establishment of an adequate monitoring mission within the conflict zones.

During this period, it became evident that Russia was trying to undermine the OSCE's role and portray it as a player of secondary importance. Russia's aim was to ensure that the Russian-dominated Joint Control Commission became, and remained, the only active player in the region. Thus, this combination created only the illusion of a functioning peace process.

The UN Observer Mission in Abkhazia

The UN Security Council adopted the first Resolution on the situation in Georgia on 9 July 1993 (Resolution 849). Given the tension in Abkhazia, the Resolution charged the Secretary General and his Special Representative with facilitating a ceasefire agreement between the parties. This was followed by Security Council Resolution 854 on 6 August 1993; Resolution 858 on 24 August 1993; and Resolution 881 on 4 November 1993. These resolutions helped pave the way for the UN military observer mission in Abkhazia, Georgia.

Following the signing of a further agreement on 14 May 1994, the Security Council issued Resolution 937 (21 July 1994). This authorized an increased number of UN military observers (up to 136 people) and re-defined the mandate of the mission.

Despite the adequate operational resources of the UN Mission, the international force rapidly lost its leadership role to the more numerous Russian "peacekeeping forces." As it had done previously in relation to the OSCE, the Russian-dominated CIS "peacekeeping" force became the predominate

"peacekeeping" force within the Abkhazia region. This gave Russia the freedom to neglect existing agreements and further entrench its occupation.

For the above reasons, the international community failed to achieve tangible results, a fact that was noted and recorded at the 1994 OSCE Ministerial Meeting in Budapest. At this meeting, member states expressed their concern regarding "unilateral acts" carried out by the *de facto* authorities of Abkhazia. . In particular, they noted that these acts "undermine both United Nations and OSCE efforts to promote a peaceful political settlement through negotiations between the conflicting parties." Member states expressed their deep concern "over 'ethnic cleansing,' the large-scale expulsion of people, predominantly Georgian, from their living areas and the deaths of large numbers of innocent civilians."

The failure of the *de facto* Abkhaz government to fulfill its responsibilities are recorded in numerous UN resolutions adopted during the relevant period (s/res/892/1993/, s/res/896/1994, s/res/906/1994, s/res/937/1994/).

Clearly, a direct consequence of Russia's actions and policies during this period was the weakening of Georgia's statehood. This, in turn, minimized the chances of creating the favorable conditions that were necessary to resolve the conflict and develop the Georgian state. "The syndrome of lost wars", numerous refugees and internally displaced persons (IDPs) combined to significantly damage Georgia's economy, while the weakened condition of Georgia's institutions served to undermine its efforts to free itself from Russia's sphere of influence and acquire full autonomy.

Chapter 2: Frozen conflicts

1994 – 1999

2.1. General review

Between 1994 and 1999, Russia gradually came to take up the position in Georgia that it had set out to achieve. As a result of the civic confrontations, ethno/political conflicts, and hostilities between Caucasian peoples that Moscow had sought to exacerbate within Georgia, Russia was able to assume its desired position as the only organized and functioning military/political force. Hence, it could also claim to be the only force capable of guaranteeing peace and stability in the region.

It should be noted that, during this period, Russia failed to meet its "peacekeeping" responsibilities. For instance, it failed to create the necessary conditions for the safe and dignified return of IDPs and refugees, and it did not facilitate any confidence-building programs.

Throughout, Russia continued to actively assist, sometimes covertly, the separatist administrations. It operated four military bases on Georgian territory (Tbilisi, Akhalkalaki, Batumi, Gudauta); it fully

controlled the regime in the Adjara Autonomous Republic (a regime led by Aslan Abashidze); and it had a say in the appointment of high-level officials in the Georgian government.

During that same time, the Georgian Government focused its efforts on reconstruction and the amelioration of the humanitarian, political and material damage caused by the wars.

2.2. Developments in the conflict zones

From the beginning of the 1990s onwards, Russia controlled the most strategically important parts of the South Ossetia/Tskhinvali region and most of Abkhazia (excluding the Kodori Gorge).

Under the protection of Russia, puppet "political elites" were created in Sukhumi and the South Ossetia/Tskhinvali region and were forcibly established as "local authorities." To maintain its control, Moscow appointed Russian functionaries and representatives of the Security Services of the Russian Federation. The puppet regimes in Sukhumi and South Ossetia/Tskhinvali region were generously financed—in effect, subsidized—by Moscow through multiple channels. In these territories, the dominant currency was the Russian ruble. Russian investments were widespread and the property of Georgian authorities and people displaced from Abkhazia was misappropriated and sold.

In this manner, the regions became totally tied to Russia—politically, economically, socially, and culturally. This is especially true for the South Ossetia/Tskhinvali region, which had developed into an enclave that was linked to Russia exclusively through the Roki tunnel.

At the same time, the economies of the regions collapsed. In Abkhazia, much of the infrastructure destroyed by the war remained unrepaired. As a result, the potential for the development of tourism was reduced. Separatist economies survived through the smuggling of Russian goods to the rest of Georgia, the selling of valuable timber resources, the destruction of the natural environment, the development of cottage industries, small numbers of Russian tourists, and widespread reliance on Russian subsidies.

The regime in the South Ossetia/Tskhinvali region was also fed by criminal activities. It both conducted and relied upon the smuggling of alcohol and fuel, the shipping of stolen goods and cars to Russia, and robbery and burglary. For the leadership of the separatist authorities, the generous Russian subsidies were simple bribes that rarely, if ever, reached the local population. A further source of revenues for the South Ossetia/Tskhinvali region were the so-called customs duties imposed on any goods shipped via the Trans-Caucasian highway. This route was used by Armenia and by the military travelling to Russian bases.

Both regions became "safe havens" where law and order were ignored and criminals could find shelter and immunity from prosecution. Drug trafficking, smuggling, and blackmail became routine. Even the most minor economic activities (such as the growing of citrus fruits, nuts, and other agricultural products by local farmers) were controlled by criminal groups.

The situation surrounding the ratification of the framework agreement between Georgia and Russia provides a further example of Russian policy. The framework agreement was signed in 1994, during

Boris Yeltsin's official visit to Georgia. But while Georgia ratified the agreement, Russia did not. It is clear that Russia had no intention of recognizing the internationally recognized Georgian border.

Given this situation, from 1997 onwards, Georgia attempted to initiate an international conflict resolution process. This was manifested in the promotion of policies that sought to "internationalize" the process and/or weaken Russia's dominance by increasing the role of international actors. Those attempts resulted in the Geneva negotiations, which started in November 1997 under UN auspices. The so-called Group of Friends of the UN Secretary General—including France, Germany, Great Britain, Russia and the US—became quite active. All subsequent negotiations followed this format. One of the mechanisms applied by the working group on security issues was the so-called Chiburkhimji quadripartite meeting, in which the Russian Federation played a leading part.

During this period, the then-Russian Foreign Minister, Evgeny Primakov, proposed a plan for the creation of a "Common State." According to the plan, Georgia had to recognize, *a priori*, Abkhazia's independence; later, the two independent subjects would create a common state under Russia's supervision. Simultaneously, Russia categorically rejected any form of participation by the international community. According to the Primakov plan, the subjects founding the new entity would have the right to secede from the common state. The plan also included an "allied state" variation. It is worth mentioning that this form of "state entity" is unknown in international law.

It is also worth noting that in 1997, the then-Georgian President, Eduard Shevardnadze, and the *de facto* Abkhaz leader, V. Ardzinba, made a joint statement at a meeting in Tbilisi on the non-resumption of military activity. However, despite this agreement, in May 1998, the separatists initiated a deliberate policy of ethnic cleansing of ethnic Georgians from the Gali region. The Russian peacekeepers, who were obliged under their mandate to ensure the security of the population, did nothing to stop the cleansing of the ethnic Georgians. This generated a further wave of IDPs.

Relations between former President Eduard Shevardnadze and the *de facto* South Ossetia leader, Chibirov, are also worth mentioning in the context of the conflict in the South Ossetia/Tskhinvali region. As early as 1993, Chibirov began to hold leading positions in the South Ossetia/Tskhinvali region when he became de facto Chairman of the Supreme Council of South Ossetia and Head of State.

The situation at that point can best be described as tenuous stability, whereby the formerly intense phase of military confrontation evolved into a more stagnant phase. During this period smuggling (especially of alcohol) rapidly increased. Individual Georgian and Ossetian special interest groups soon found a common language and smuggled goods started to flow in both directions: from Russia into Georgia and vice versa. During this period, a certain "warming" could be observed in the conflict.

In 1996, the Ergneti market was opened and soon became the place where people traded in smuggled goods. It represented the meeting point of multiple interests and actors, including the separatist leaders, the leadership of the Russian peacekeepers, criminals, and corrupt officials. This market acted as a conduit for millions of dollars worth of goods to be smuggled into Georgia from Russia through the South Ossetia/Tskhinvali region. In turn, also via the Ergneti market, narcotics and weapons were brought to Georgia which helped to generate income to finance criminal groups and the separatist

regime. The market thus developed into an important source of income. From the Ossetian side, it was controlled by the family of Ludvig Chibirov, who, after winning the 1996 "elections", acquired the status of "President of South Ossetia." The Georgian side agreed to open the market because it would "bring people closer to each other."

The blossoming of these common business interests was followed by meetings between political leaders. In this context, a memorandum signed in Moscow on 16 May 1996 (Memorandum on "Measures for providing security and confidence building") can be regarded as the first step towards a rapprochement between Georgia and the separatist region of South Ossetia.

A series of Shevardnadze-Chibirov meetings followed (1996 in Vladikavkaz, 1997 in Java, 1998 in Borjomi). These resulted in some positive developments as the parties started to talk about IDP return, economic development, a political solution to the issues, and the protection of the population in the conflict zone.

In parallel to this, the actual situation within the conflict zone began to improve. Common business interests helped bring people closer to each other and confrontation decreased. However, the reason for this dynamic was the trade in smuggled goods, which consequently had a negative effect on the institutional development of the Georgian state and contributed to an ongoing failure to meet the budgetary needs of the state.

The emergence of positive dynamics ceased after Georgia further developed its orientation in the direction of the West and Eduard Kokoity was "elected" as "President of South Ossetia." Specifically, Russia took active measures to promote the Kokoity presidency, with the goal of escalating tension in the region.

Thus, Russia once again had taken measures aimed at slowing Georgia's natural movement towards the Western and European space. In so doing, Russia in effect exerted direct and indirect political influence over the sovereign choices of the Georgian state. This policy was enhanced by Georgia's economic dependence on Russia, Russia's manipulation of societal cleavages, and the international community's failure to adopt successful conflict-resolution mechanisms. By exerting direct influence in the zones of conflict, Russia was able to either "melt" or "stir" the conflicts at any moment as it pleased.

Chapter 3: Rise of anti-Georgian policies

Spring 1999 – 2008

Starting in 1999, Russia's attitude and policies toward Georgia took a sharp turn for the worse. This change was due to the changing nature of Russia's political elite and a number of geopolitical factors.

In this period Georgia had made progress in releasing itself from a cycle of control dominated by para-military-backed elites. It had started to build more functional state institutions. Similarly, the

sense of political momentum and will to integrate into the Euro-Atlantic space became more prominent and certain steps were made to free Georgia from Russian influence.

On the issue of Russian military bases in Georgia, Georgia refused Russia's request to keep its Georgian-based bases. However, it was only as a result of pressure from the West at the 6th OSCE Summit Istanbul in 1999 that Russia finally acknowledged the obligation to fully withdraw its military bases. However, in contravention of its international obligations, Russia continued to refuse to withdraw its military base from Gudauta, Abkhazia. Russia justified its continued presence as being an expression of the "will of the Abkhazian people".

With support from the West, Georgia and Azerbaijan began to develop the idea of creating a South Caucasian transport corridor linking the West with Central Asian countries. It was hoped that this would put an end to the Russian transport, energy and political monopoly in the South Caucasus and Central Asia. This led to an agreement to build the Baku – Tbilisi – Ceyhan pipeline which was duly prepared and signed with the participation of Western allies and other international private entities.

In 1999 Georgia left the Collective Security Treaty organization of the CIS.

The second war in Chechnya also started during this period; indeed, it was a repercussion of Russia's policy of supporting separatist groups in Abkhazia and the South Ossetia/Tskhinvali region. Many of the so-called "Abkhazian heroes" were among the principal players in the new war in Chechnya. Perhaps the most well-known among them was the terrorist Shamil Basaev, who actively participated in military actions against Georgia in the early 1990's. During the second war, despite Russian pressure, Georgia rejected Russia's request to use Georgian territory for the transportation of armed forces in the direction of Chechnya. In response, Russia began regular bombings of the Pankisi Gorge, located inside Georgian territory.

In 2000, the then-President, Eduard Shevardnadze, repeatedly proposed a Framework Agreement between Russian and Georgia that would be ratified by both parliaments. A special commission was set up and a working version of the agreement was drafted. Unfortunately, this initiative did not gain any traction.

At the end of 2000, Russia violated the CIS principles and introduced a visa regime for Georgia. It justified its decision on its on-going military campaign in Chechnya and its supposed desire to put an end to the infiltration of "terrorist groups". At the same time, it continued to favor the populations in Abkhazia and the South Ossetia/Tskhinvali region. Indeed, the separatist regions were offered a more liberal visa regime. In so doing, Russia introduced a differentiated visa regime for selective populations in a neighboring country. This strongly violated the norms of international law and undermined Georgian sovereignty.

In 2000, a meeting between Georgian and South Ossetian experts was held in Baden (Austria) at the initiative of the OSCE. The meeting produced a working document on the resolution of the conflict in the South Ossetia/Tskhinvali region. However, the document was not completed. It was concerned with the recognition of the territorial integrity of Georgia, Ossetians' right to self-determination, the

autonomous status of South Ossetia, security guarantees and the demilitarization of the conflict zone. In the event, agreement could not be reached on a number of issues, notably how to combine the restoration of territorial integrity with the right of self-determination; the legal status that should be accorded to South Ossetia within the Georgian state if links were established with North Ossetia; the attributes that the South Ossetia/Tskhinvali region (as an autonomous region) should possess if Georgia became a federation.

The working document nevertheless expressed a common readiness to investigate the reasons of conflict, improve cooperation between law-enforcing structures, facilitate the voluntary and organized return of IDPs, help the restitution of IDP property, and aid the provision of compensation. The working document emphasized the necessity of solving the problems related to economic rehabilitation and the importance of attracting future investments for development. However, it did not provide a schedule for future negotiations.

In 2001, the Friends of the UN Secretary General started to work on the "Basic Principles for the Distribution of Competencies between Tbilisi and Sukhumi". Under the so-called Boden document, Abkhazia was provided with broad autonomy and elements of sovereignty within the borders of the Georgian state. It is noteworthy that at the time Russia formally supported the document and its contents. However, the Abkhaz rejected it.

In 2002, at the NATO Summit in Prague, Georgia made a declaration on its aspiration for NATO membership. The US then commenced the "Train and Equip Program" under which US military instructors started to train the Georgian armed forces. This necessarily resulted in an enhanced American presence in Georgia.

In response to Georgia's legitimate aspiration to join NATO, Russia started issuing Russian passports to the population in the separatist regions. Russia justified its actions on humanitarian grounds, despite it being a clear violation of international law.

In the summer of 2002, the Ministry of Foreign Affairs of the Russian Federation started to place special stamps in the Soviet-era passports of the Abkhaz population; on the basis of these stamps, in 2003, Russia undertook the mass, illegal issuance of Russian passports to Abkhaz residents. The Georgian side protested but to no avail. In fact, the Russian side cynically denied the fact that mass provision of Russian passports in Abkhazia and the South Ossetia/Tskhinvali region had ever taken place.

In spring 2006, an economic embargo was imposed on Georgia. Described as necessary due to sanitary reasons, Russia banned the most basic Georgian exports to Russia – wines, mineral waters, fruit and citrus

In addition, a transport blockade was imposed. Direct flights were stopped and the Larsi check point between Georgia and Russia was closed. At the same time, however, Russia continued to transport citizens and cargo into South Ossetia through the Roki tunnel and Psou bridge. This route was also used to bring armed troops and weapons into the separatist regions.

From the beginning of 2006, a significant increase in the number and quality of employees of Russian spy agencies, and an intensification of their activities, was detected. This was another clear sign of Russia's preparation for military confrontation. In September-October 2006, the Georgian government detained citizens of Russia and Georgia suspected of spying activities; those spies who held Russian citizenship were expelled them to the Russian Federation.

After this incident, in autumn 2006, the Russian government began to identify and forcibly deport large numbers of Georgians residing in Russia, based solely on their ethnic origin and nationality. In many cases, individuals were forcibly arrested and illegally detained. They were then put on cargo planes and illegally rendered to Georgia.

The methods involving uprisings of various military and paramilitary formations in order to weaken the Georgian State. These methods were exploited even during the time of the previous government. In 2006, Emzar Kvitsiani, former leader of the paramilitary group "Monadire" (Hunter), staged a revolt in the Kodori Gorge. The Georgian government carried out a police operation and quelled the revolt. Kvitsiani escaped. The Georgian authorities decided to locate the Abkhazia Government-in-exile in the Kodori Gorge and to commence rehabilitation activities in the Gorge. As a result, new roads were built and old ones restored; basic infrastructure and healthcare facilities were renovated. For the purpose of maintaining the security of the local population, the Georgian government deployed additional police forces in the Gorge.

By December 2006, President Putin felt confident enough to warn his Georgian counterpart that he aimed to create "a northern Cyprus" in Georgia. President Putin has given the same warning to the Secretary General of NATO.

In July 2007 Russia made a statement regarding the suspension of the treaty on Conventional Armed Forces in Europe. The suspension began on 12 December 2007. Simultaneously, Russia launched an extensive military build-up close to the Russian-Georgian border and the conflict regions.

In the same period, Russia intensified its military activities in the occupied territories and Russia's puppet regimes became unusually destructive and aggressive.

In the South Ossetia/Tskhinvali region, all males were members of militarized units. They were trained and equipped by Russian instructors, including the representatives of the Russian peacekeeping forces. In Abkhazia, the separatist divisions were trained and equipped by current and retired officers of the Russian Army.

In 2007 Russia bombed Georgian territories several times; these actions were directed against the Georgian state and were yet another act of aggression.

During 2007, Russian forces had thus militarily interfered in the sovereign territory of Georgia - an act of clear aggression. For example, on 11 March, 2007, the Russian Air Force attacked the Ajara and Chkhalta villages, located in the Upper Abkhazia/Kodori Valley, using AT-6 SHTURM and AT-9

ATAKA rockets. This incident was investigated by the UN Joint Fact Finding Group (JFFG). In the JFFG conclusion, released on July 12, the use of AT-6 SHTURM and AT-9 ATAKA rockets was noted and there were references to the direction from which the aircraft had entered Georgian territory.

The failure to properly assess the March 11 incident provoked a further Russian aerial attack carried out on August 6, 2007. This time, remote controlled anti-radar rockets (RADUGA KH-58) were fired at the village of Tsitelubani. Three international investigations were launched to assess this attack.

According to the report of the first fact-finding group (released on 14 August 2007), an unknown aircraft entered Georgian airspace from the direction of Russia, fired a KH-58 rocket at Tsitelubani, and turned back towards Russian airspace. A second fact-finding mission, a joint Georgian-Russian commission, failed to agree on any conclusions. Indeed, the head of the Russian Investigation Group, Lieutenant-General Igor Khvorov, actually argued during a press conference that Georgian airspace had not been violated and suggested that the rocket had been detonated elsewhere before its debris was transported to Tsitelubani.

The third international fact-finding group reiterated the findings of the first group. Nevertheless, the OSCE has failed to fully assess this atrocity. The Special Representative of the OSCE Chair, Mr. Miomir Zuzul, has since stated that the 6 August event increased tensions and had a negative effect on the Russian-Georgian relationship. However, according to Mr. Zuzul, the OSCE mission could not act as a judge of the incident and, since the findings of the investigative teams all differed, it was "extremely difficult to have a clear picture" of what had occurred.

Once Georgian territories had been cleared of their indigenous Georgian populations, Russia strengthened their puppet regimes and began the gradual annexation of these territories. Lawmaking, financial, economic, social, cultural and educational systems have become totally tied to Russia. Educational history books have been rewritten to legitimize Russia's actions. Moreover, Russian TV and media have become the only media outlets in the occupied regions, and Georgian media and internet sites have been blocked (and remain blocked). Russian Special Services maintain control of virtually all public and civic organizations and associations . Often, Russian Special Services simply appoint Russian citizens (many of whom are employed by Russian Special Services) to important posts within the de facto government. The Russian military trained and equipped separatist armed forces, providing them with military weapons. They have based their own air forces in Abkhazia while the Tskhinvali separatists came to possess a very impressive military machine. Anti-aircraft equipment was provided to both separatist regimes.

In the lead up to the NATO Summit in Bucharest on 2-4 April 2008, Russian actions took a further negative turn. This souring of relations coincided with discussions about offering a Membership Action Plan (MAP) to Ukraine and Georgia.

In response, the Russian President and other senior officials repeatedly stated that the granting of a Membership Action Plan to Georgia would be perceived as a hostile act against Russia. According to the Foreign Minister of Russia, Sergei Lavrov, "Russia would do anything to prevent Georgia and Ukraine from joining the alliance".

According to the London-based International Institute for Strategic Studies, by the year 2008 the separatist regions had become one the most militarized territories in the world, based on the number of different kinds of weapons per capita. At present, the amount of military equipment in the separatist enclaves exceeds that of the whole of the rest of Georgia.

Clearly, the Russian political establishment has acted with double standards. On the one hand, they took advantage of the exclusive rights entrusted to them under the peacekeeping mandates; while, on the other, they openly provided political, financial, and military assistance to the separatist regimes.

Simultaneously, Russia has violated all agreements to which it is party in the region. These include UN Security Council resolutions. Rather than seeking to actively resolve the conflict, Russia has sought to maintain a highly tense situation wherein the resumption of conflict is an everyday possibility. By manufacturing and nurturing this situation, Russia has been able to manipulate those risks and use them to its own advantage.

At the same time a genuine peace process was non-existent. While individual initiatives were launched and pursued, they failed to become part of an integrated and coherent peace process and thus failed to achieve sustainable results.

Consequently, Russia – despite its status as a mediator – turned irreversibly into a party involved in the conflict. This was noted, belatedly, in the Resolution adopted by the Council of the Europe Parliamentary Assembly (# 1633 (2008)).

Chapter 4: The period following the Rose Revolution

January 2004 – 2008

In the aftermath of the *Rose Revolution* in 2003, the Georgian government continued to face an extremely difficult situation, and the steady deterioration of Georgian/Russian relations was reflected in conditions within the conflict regions.

In both regions, criminal actions, such as murder, kidnap, blackmail, and trade in stolen goods continued. South Ossetia/Tskhinvali region developed into a "garage" for cars stolen from the rest of Georgia. For the purpose of blackmail, people were kidnapped in other parts of Georgia and forcibly taken to the conflict regions.

Peaceful initiatives introduced by Georgia

Following the Rose Revolution, the new Government started to implement an institutional and economic rearrangement of the country. During this process, one of the primary goals was to peacefully re-establish the territorial integrity of Georgia. The new Government sought to establish a warm relationship with Russia and, in a symbolic gesture, President Saakashvili paid his first visit as President to Moscow.

Despite these efforts to de-escalate tensions, by August 2004 the situation had once again dramatically deteriorated. Georgian law-enforcement carried out operations for the purpose of eliminating smuggling. As a result roads and paths used by the criminals for smuggling were blocked and the "Ergneti market" was closed, thus eradicating the main sources of income for criminals and their patrons. These lawful actions, undertaken by the Georgian Government, were actively opposed by Russia. Russia became actively involved in renewed conflict. The Russian media played a prominent role, commencing a prolonged war of propaganda. In South Ossetia, volunteers from the North Caucasus were urgently brought to the region and the Ossetian population mobilized. Russian army troops were redeployed to the North Caucasus, close to Georgian border and large volumes of new armaments were transported to the South Ossetia/Tskhinvali region.

In order to avoid further escalation, the Georgian government gave up a number of strategically important positions to the "peacekeepers". Units from the Ministry of Interior of Georgia were also withdrawn from the region. Moreover, the Georgian Government did not reopen the Ergneti Market.. The closure of this market helped to consolidate the integrity of Georgia's customs and economic space, which contributed to an increase in budgetary incomes and significantly eroded a major source of income for separatists and criminals in South Ossetia/Tskhinvali region. Hence, these actions were a source of annoyance to the separatists and Russian Peacekeepers, prompting further aggressive actions. With the successful closure of this market, the Georgian Government proposed an alternative solution, based on a wide-ranging plan of economic revival and development in the region.

With the objective of de-escalating the situation, the Prime Minister of Georgia, Zurab Zhvania, met with Edudard Kokoity, the leader of the separatist regime in the South Ossetia/Tskhinvali region. In response, the Russians passed on to the Ossetians those positions which had been transferred by Georgia to the peacekeepers. The Russians also stepped up their arming and training of separatist forces. This policy was complimented by enhanced political support from the Russian Government to the separatist regime.

The Government continued to seek a true international peacekeeping contingent that was backed by the involvement of neutral and unbiased mediators. Russia, however, was categorically opposed to these peace initiatives, using their control over the separatists to ensure that no international agreement could be reached.

The Georgian Government continued to attempt a number of direct negotiations with the separatists. The Government reorganized the legitimate governance structures of Abkhazia to better meet the

needs of the population. Hope centered on the possibility of establishing a working relationship with the newly elected Abkhaz *de facto* President, Sergei Baghapsh, who at first sight demonstrated a very nationalistic and less pro-Russian approach.

The role of the representatives of the legitimate government of Abkhazia and IDPs from Abkhazia significantly increased within the peace formats in the process of conflict resolution.

In South Ossetia, the Georgian Government succeeded in improving its relationship with those former separatist leaders who were trusted by important segments of the population. This development created the potential for cooperation between "non-separatist" or neutral citizens and central government authorities in Tbilisi. This was the first time the non-separatist elements of the population had become actively involved in the peace process.

The logical outcome of this process was the establishment of a temporary territorial administrative body in the South Ossetia/Tskhinvali region, thereby creating a non-separatist political platform. Through coordinated actions with the central government and international organizations, the local administration started to implement economic, social and cultural projects.

The Georgian Government initiated a program of infrastructure reconstruction in the region. Between 2004-2008 and with significant funding from the Georgian Government, numerous projects were undertaken: energy infrastructure was constructed and repaired (Kheiti Power Station, high voltage transmission line from Gori Region to Didi Liakhvi Gorge), educational and healthcare institutions were constructed or rehabilitated (schools in Tamarasheni, Sveri, Kurta and the hospital in Kurta), cultural and entertainment centers were built (Achabeti sports complex, cinema, sports ground and children's entertainment center in Tamarasheni), as well as administrative buildings (police complexes in Tamarasheni and Kurta, administration building in Kurta). Roads were also repaired and drinking water pipelines and irrigation systems were repaired. The Georgian Government allocated more than 15 mln GEL for these projects.

Major efforts were made to protect the Georgian population in the South Ossetia/Tskhinvali region. The legally permitted quota of the Georgian Peacekeeping Battalion was taken up. The provision of equipment and finance for local police in Georgian villages in the region was increased. A Russian-language TV Company (ALANIA) was established with the aim of disseminating free and unbiased information and bringing the local population closer together.

Despite these efforts, on the 1 February 2005, a terrorist act was carried out close to the police building in Gori killing three police officers and injuring more than twenty citizens.

It is notable that a week prior to this terrorist act, on the 26 January 2005, the President of Georgia gave a speech at the Parliamentary Assembly of the Council of Europe outlining peaceful initiatives in the South Ossetia/Tskhinvali region. As a result of a formal investigation, the source of the terrorist acts was traced to the Russian secret service agencies.

The Georgian Government has presented multiple peace initiatives to the international community and made relevant changes to its legislation to facilitate these initiatives. Georgian officials continue to use every opportunity to push for a peaceful resolution to the conflict.

For example, on 22 September 2004, at the UN General Assembly, the President of Georgia introduced new peace initiatives for conflict resolution. These initiatives consisted of stage-by-stage plans that included confidence building measures, demilitarization and de-criminalization plans, wide autonomy for the conflict regions and improved safety for the population of the conflict zones.

On 26 January 2005, the President of Georgia introduced further peace initiatives for South Ossetia/Tskhinvali Region to the Parliamentary Assembly of the Council of Europe, with the aim of unifying the region by peaceful means. The above plan envisaged the granting of wide autonomy to the South Ossetia/Tskhinvali region, which would provide a constitutional guarantee permitting the direct election of its own local government with executive and legislative power. According to this initiative, the South Ossetia/Tskhinvali region would be self-governed, controlling the local economy, culture, education, and the environment. At the same time, relevant amendments would be made to the Constitution of Georgia that would provide representation for South Ossetia in the governmental branches of Georgia.

Based on this plan, the language of South Ossetia would receive official recognition and money would be allocated from Central Government to protect South Ossetia's cultural heritage. In addition, the plan envisaged the allocation of Government resources for infrastructure projects and small business development. It also envisaged the payment of pension arrears and the restitution of property lost or damaged as a result of the war in 1991-1992, and creation of an interagency commission to deal with these issues.

The conflict resolution plan was to be implemented over three years. During this time, a joint Georgian-Ossetian police force would be established under the command of international organizations, with the capability to ensure the safety and free movement of the population. According to the plan, the OSCE would adopt the role "monitor of the peace" while the EU would act as "guarantor of the peace".

On 26 October 2005, the Prime Minister of Georgia also presented the above plan, with additional details, to the OSCE Political Committee and the EU. According to the plan, South Ossetia would be granted wide autonomy, mechanisms of property restitution would be activated, demilitarization of the conflict zone would be started in the Tskhinvali Region, and the involvement of the international community in the peace process and negotiations would be increased. With the inevitable exception of Russia, all members of the European Union supported this plan.

On 6 December 2005, at a meeting of OSCE foreign ministers in Ljubljana, a Statement on Georgia was adopted. In this statement every member of the OSCE unanimously supported the Georgian peace plan. It is particularly significant that the Foreign Minister of Russia also implicitly supported the Georgian proposal. However, this early success was short-lived: the separatists, with Russian support, deemed the plan was unacceptable. It is noteworthy that Russia, within the OSCE framework, did not

directly oppose the Georgian peace plan, demonstrating the weakness and inconsistency of their positions at the international level.

The importance of the peace initiatives introduced by President Saakashvili at the 59th UN General Assembly was underlined in the Ljublana OSCE Statement. The statement emphasized the importance of increasing the effectiveness of the existing peace formats, including the joint control commission. Special attention was drawn to efforts directed to the return of IDPs, the facilitation of constructive political dialogue, confidence building, implementation of economic and social rehabilitation programs, the determination of the status of the conflict regions within the state of Georgia, and the increased participation of international organizations. Regarding Abkhazia and new peace initiatives, the roles of the UN, Special Representative of the UN Secretary General, UN Group of Friends, and Russian Federation (its 'peacekeeping' mission) were re-evaluated. Special attention was paid to the implementation of human rights projects and the economy in the conflict region. In this context, the necessity of opening a human rights office in Gali Region with the support of the OSCE and UN was proposed. The opening of that office was blocked by the Abkhaz separatists. The positive role of confidence building measures and importance of preventing firing was also emphasized.

In the Ljublana statement, the OSCE member states approved the establishment of a UN civil police component in the Gali Region. The statement called on the Abkhaz party to support the speedy establishment of the above police component. It is also underlined the need to start negotiations on facilitating the establishment of a UN civil police component at the Gudauta Base.

On 14 June 2006, at the OSCE Donor Conference in Brussels, the donor states allocated €7.8 million for the implementation of the plan and its composite rehabilitation programs. The Government of Georgia showed its readiness to allocate the same amount for the rehabilitation programs. Based on this aid, an Economic Rehabilitation Program (ERP) was launched. The program was co-financed by EU member states and Georgia, which allocated €300,000. The project was implemented under the patronage of the OSCE.

Under the program, educational and healthcare institutions were rehabilitated in Georgian and Ossetian villages in the region (namely the schools in Kheiti, Java, Artsevi and Ksuisi and the regional hospital in South Ossetia/Tskhinvali and an out-patient clinic in Sveri); rehabilitation of energy and drinking water infrastructure (South Ossetia/Tskhinvali region gas pipeline rehabilitation works and bringing in special equipment, rehabilitation of South Ossetia/Tskhinvali region water pipeline, rehabilitation of Kemerti water pump, South Ossetia/Tskhinvali region electric distribution network rehabilitation works), rehabilitation of road resources (rehabilitation of bridges in Ksuisi and Dmenisi); handing over of modern agro-technologies to the local population (bee hives and tree nurseries in South Ossetia/Tskhinvali region and adjacent villages). Despite the over-arching economic context of the program, the main goal of the initiative was to bring the local population closer together, build confidence and joint performance, which was fully compatible with the policy implemented by the Government of Georgia.

On 29 December 2006, the Parliament of Georgia adopted a Law on the Restitution and Compensation of Property Lost or Damaged within the Territory of Georgia as a Result of the Conflict

in the Autonomous Region of South Ossetia. The Law envisaged the establishment of a commission on a parity basis (composed of candidates from representatives of Georgian and Ossetian parties and international law entities). The commission was to be tasked with returning property to those who suffered damage within the territory of Georgia as a result of the conflict and, if this is not possible, provision of adequate accommodation or compensation. The law was written with the input and assistance of a number of international organizations specializing in this field, including the UNHCR.

In March 2007, the Government of Georgia sent a memorandum to the parties involved in the conflict and the international community on further steps it proposed to take to resolve the conflict in the South Ossetia/Tskhinvali region. Among other things, the memorandum proposed the following:

- Direct negotiations under the aegis of the OSCE (with the participation of the EU, US, and Russia).

- Creation of a special coordination center (with the participation of the EU, US, and Russia) for the purpose of coordinating and monitoring the performance of law-enforcement structures and economic rehabilitation programs.

- Under the leadership of this coordination center, the establishment of a unified police agency in the conflict zone (over the entire territory of the former South Ossetia Autonomous Region). Training and equipment of this police unit was to be provided by EU experts.

- The full demilitarization of the region and long-term economic rehabilitation programs.

- The South Ossetia/Tskhinvali region would be granted wide autonomy, and the OSCE and European Commission would help create a legislative basis for its autonomy.

In April 2007, the Parliament of Georgia adopted the Law on the Creation of Relevant Conditions for Adequate Conflict Resolution in the Former South Ossetia Autonomous Region, This law formed the basis for the creation of a temporary territorial-administrative unit and its administration in the South Ossetia/Tskhinvali region.

Among the main functions of the Administration of the temporary territorial-administrative unit were the following:

- State administration within the limits of delegated authority.

- Holding negotiations related to the determination of the autonomous status of the former South Ossetia Autonomous Region.

- Within the limits of its competence, cooperation with Georgian state bodies and international organizations for the purpose of implementing the programs and activities necessary for peaceful resolution of the conflict.

- The development of relevant plans and projects (including participatory project design) for the purpose of conflict resolution; provisions were included to promote the participation of the local communities in the process of developing these plans and projects.

- Facilitation of improvement of relationships between the population residing within the territory of the former South Ossetia Autonomous Region.

- Coordination of international humanitarian projects.

- Facilitation of local infrastructure reconstruction programs.

To achieve an agreement based on this law, the Government of Georgia started consultations with the representatives of various interest groups in the South Ossetia/Tskhinvali region. Taking into account these views, **on 10 May 2007**, by Decree of the President of Georgia (further approved by the Parliament of Georgia), a temporary territorial-administrative unit and its administration were created. Dimitri Sanakoev, a former leader of the separatist movement in South Ossetia, started leading the new administration.

On 24 July, "The Commission for the Development of Proposals on the Determination of the Autonomous Status of the Former South Ossetia Autonomous Region within the Limits of the State of Georgia" was created by a Resolution of the Government of Georgia. The Commission held numerous meetings, generated new ideas, and brought together the involved parties. Concrete decisions were taken on the establishment of financial and social programmes in the region and development of the local administration.

On 24 January 2008, by Presidential Decree No. 33, the position of State Minister for Reintegration was established in place of State Minister on Conflict Resolution Issues. By Resolution No. 23 of 8 February 2008, of the Government of Georgia created the Office of the State Minister for Reintegration and approved its statutes.

The main task of this new institution was providing political support for conflict resolution, generating new peace initiatives and reintegrating the conflict regions and their population with the rest of Georgia. The Office would facilitate the process of creating the preconditions necessary for the full-scale resolution of the Abkhazia and South Ossetia/Tskhinvali region conflicts. For this purpose, it was necessary to fully activate the internal, state and community resources based on a State commitment to peacefully resolve the conflicts. In addition, the Office would seek to integrate and utilize still existing but not previously activated Georgian-Ossetian and Georgian-Abkhaz relationships.

The Office also activated the political and economic possibilities created by the presence of international organizations and Western partners. Among them were the European Neighborhood Program, the OSCE rehabilitation programs, and multi-profile programs implemented in Georgia by the US and individual Western states. Also, the Office helped work on the idea of having the EU serve as the lead mediator in the conflict-resolution process. All these were developed in political,

socio-cultural and economic initiatives and proposals. These activities laid the groundwork the Georgian Government believed was necessary to achieve long-term conflict resolution in both Abkhazia and the South Ossetia/Tskhinvali region.

Due to the fact that legal mechanisms for withdrawal from the Joint Control Commission were non-existent, the State Minister for Reintegration of Georgia introduced an initiative to modify the existing but inactive peace format (3+1=Russia, North Ossetia-Alania, South Ossetian separatist regime, Georgia) through the scheme of 2+2+2, whereby discussions on conflict resolution would be held on three levels . The first level would include local leaders bringing together the Tskhinvali separatist regime and Dimitri Sanakoev's Administration; the second would be Russia and Georgia as distinct international legal entities and parties involved in the conflict; and the third level would be the OSCE and the EU, as neutral international mediators and facilitators.

In response, both Russia and the separatists categorically rejected this proposal. The separatists refused to deal with the State Minister for Reintegration at all due to the inclusion of the word "reintegration" in the title of his Office. To overcome this, the status and title of the State Minister was amended to: Special Representative of the President of Georgia for Conflict Resolution Issues.

On the subject of arranging meetings for Sanakoev, the separatist administration threatened to revoke the permission of all foreign officials and diplomatic representatives to enter the territory under the control of the separatists, and warned that they would also boycott all future meetings (which they indeed did by banishing from South Ossetia/Tskhinvali region the ambassadors of EU states on 23 June 2008, because they had met Mr. Sanakoev in Kurta).

In April 2008, in spite of the on-going provocations and illegal actions of separatist leaders, the President of Georgia once again introduced new initiatives for conflict resolution in the South Ossetia/Tskhinvali region, according to which the Ossetian party was offered wide autonomy, social protections for the population, compensation and restitution of damaged property, free and equal elections, official status for the Ossetian and Georgian languages, the development of Ossetian television and radio (subsidized by the Government of Georgia), a locally controlled education system, the development of regional print media, museums, and cultural institutions, and a simplified process for moving from the South Ossetia/Tskhinvali region to North Ossetia-Alania.

In spring 2008, the Government of Georgia started discussions on the creation of social and economic zones integrated with the conflict territories, a project developed by the State Minister for Reintegration. It was also proposed to create a free industrial zone in the South Ossetia/Tskhinvali region. The rationale was that the creation of such zones would facilitate the legal and economic development of the regions and thus help foster further reconciliation of the population.

The last attempt to avoid conflict took place **on the 7 August 2008**, when the State Minister for Reintegration of Georgia went to the South Ossetia/Tskhinvali region to hold direct negotiations with the separatist leaders. The separatist leadership, however, refused to meet him.

Georgia's peaceful initiatives related to the Abkhaz conflict were similarly intensive and prolific.

On 22 September 2004, the peaceful initiatives introduced by the President of Georgia at the UN General Assembly relating to the Abkhaz and South Ossetian conflicts (see above) were followed up by a further round of intense work by the Government of Georgia.

The conflict regions were included in the rehabilitation programs of European aid programs, foreseen by the EU's Neighborhood Policy Action Plan developed by Georgia and the EU. Under the auspices of these plans, significant funds (approx. €4 million) were allocated for the rehabilitation of infrastructure in the region and the improvement of the economic conditions of the population.

In June 2006, for the purpose of resolving the Abkhaz conflict, the Georgian Government proposed a "road map," the aim of which was again full-scale conflict resolution. The main principles of this plan were:

- Offering Abkhazia wide autonomy in the Federal State of Georgia.
- Representation of Abkhazia in the central government of Georgia.
- Full protection of the Abkhaz language, culture and historical heritage.
- Return of the IDPs to their homes.
- Peaceful resolution of the Abkhaz conflict through dialogue and confidence-building mechanisms.
- Involvement of international and regional organizations in the process of peaceful conflict resolution.
- Implementation of mutually coordinated economic projects for the purpose of economic development of Abkhazia.

For the same purpose, on 25 October 2007, the State Minister on Conflict Resolution Issues of Georgia went to Sukhumi. The purpose of the visit was to build trust and start negotiations.

On 28 March 2007, the President of Georgia announced new peace initiatives, which – in an effort to resolve the Abkhaz conflict – offered the Abkhaz the following:

- Broad political representation for the Abkhaz, including the creation of a special position of Vice-President, which would be held by a representative from Abkhazia. The plan also provided for guaranteed representation in the ministries and institutions of the Central Government of Georgia.
- The right of veto over legislative issues related to the constitutional status of Abkhazia, and issues related to the culture, language, and cultural heritage of Abkhazia.
- Creation of a free economic zone within the territory of the Gali Region and Ochamchire.

- International guarantees and Russian mediation in peaceful conflict resolution for Abkhaz autonomy.

It is notable that the initiatives presented to the separatists by the President of Georgia on 28 March 2008, included the proposals demanded by the Georgian opposition parties and non-governmental organizations.

Despite multiple initiatives, attempts and proposals made by the Government of Georgia, the position of the representatives of Russia and the Sukhumi separatist regime remained inflexible and non-constructive. They categorically rejected all proposals from Georgia.

They also declined the three-stage plan of conflict resolution, developed under the leadership of the Foreign Minister of Germany, in **July 2008**. This plan included the following:

- Trust building efforts; starting direct negotiations; return of the IDPs of the 1990s to Abkhazia.
- Development of joint rehabilitation and economic projects.
- Determination of the political status of Abkhazia.

With the beginning of the war in **August 2008**, the Georgian Government directly called upon the leaders of the Abkhaz separatist regime not to violate the ceasefire agreement and not to get involved in military action, in order to retain general stability and peace within the Georgian-Abkhaz conflict zone. In spite of this, the *de facto* Abkhaz government fulfilled the task given by Russia and attacked Georgian police units, located in Upper Abkhazia, and by doing so violated the Moscow Ceasefire Agreement of 1994.

It is unfortunate that the peace initiatives proposed by the Georgian Government to help resolve the conflict in the separatist regions were ignored. Puppet, separatist regimes, controlled by Russia, instead chose the path of confrontation.

Chapter 5: Crisis of peace formats and escalation of events

January – 28 July 2008

Following the Presidential elections in Georgia on 5 January 2008, the aforementioned creation of the Office of the State Minister for Reintegration correlated with the peaceful policies being pursued by Georgia. The main goal of the Office was to replace the disjointed conflict resolution process with a comprehensive set of integration processes.

Georgia placed special emphasis on elevating the "human factor" to the forefront of discussion and concern. Moreover, the Government attempted to involve the residents of Abkhazia and the South Ossetia/Tskhinvali region in these efforts. The increasing emphasis on the "human factor" was

designed to encourage economic interaction between the conflicting sides, the promotion of educational projects, public diplomacy, and increasing the role of the NGO sector.

Despite the lack of any sign from the separatists that they were willing to negotiate, on February 18-19, under the Geneva meetings format, Georgia tabled a further offer that envisioned the opening of full-scale land communication between Abkhazia and the rest of Georgia, which would include the area up to the Turkish city of Trabzon. The Abkhazian side expressed interest, but the idea stalled due to the unjustifiably rigid positions of the separatists.

In relation to the South Ossetia/Tskhinvali region, the Georgian Government tried to organize a direct meeting with the separatist regime, including preparation for a possible meeting between President Saakashvili and the de facto South Ossetian leader, Edward Kokoity. With the assistance of Baltic and Ukrainian colleagues, projects for developing educational opportunities at Russian-language educational institutions were developed for the population living under the control of the separatist regime.

New proposals, related to the negotiation mechanism, were sent to the *de facto* leaders of the South Ossetia/Tskhinvali region, listing a number of measures aimed at facilitating the prevention of provocations and the achievement of actual progress in conflict resolution. Special emphasis was given to humanitarian issues and mechanisms that would produce mutually beneficial economic cooperation.

On February 17, the provisional government of Kosovo declared its independence, which was swiftly followed by recognition of its independence by a number of Western countries. Russia used this event as an excuse to intensify its activities in Georgia's conflict zones. Russia failed to hide its intention to recognize the separatist regions of Georgia in the event that the international community recognized Kosovo. Indeed, Russian President Vladimir Putin declared that Russia had elaborated plans of action that must represent an actual response to the decision to recognize Kosovo independence.

On March 6, Russia withdrew from an embargo imposed on Abkhazia by the Council of CIS leaders; the embargo had been designed to limit the supply of armaments to the separatist regime and the possibility that Abkhazia would be militarized. Russia legitimized this step by alleging that its continued intervention was needed to defend the humanitarian interests of the population remaining in Abkhazia.

On April 16, President Putin issued a decree establishing direct relations with Abkhazia and South Ossetia/Tskhinvali region.

On April 20, a Russian warplane destroyed a Georgian unmanned Hermes-450 aircraft above the Gali District near the village of Gagida. This incident, which violated the UN Charter, was later confirmed following a special investigation by the UN.

On April 29, according to statements made by the Russian Defense and Foreign Ministers, Russia began to unilaterally increase the size of the Russian "peacekeeping forces" in the Georgian-

Abkhazian conflict zone. Of note, the increasing size of the Russian contingent was made in violation of the governing agreements and without the required consent of the Georgian side. Under the aegis of the peacekeeping forces, Russia brought in landing troops with heavy machinery and equipment. The type of both the armed forces and armaments violated the terms of the governing agreement. Contrary to that agreement, Russian "peacekeepers" appeared to be deploying heavy artillery machinery so as to bring strategic sections of the Kodori Gorge into their range.

Along with these actions, the *de facto* government in Abkhazia had, on numerous occasions, publicly threatened to conduct a "de-occupation" operation in the Kodori Gorge.

Russia's attempts to form a unified "front" between separatists in Abkhazia and the South Ossetia/Tskhinvali region increased significantly. In particular, separatists' positions became far more coordinated and in many instances identical, suggesting that Moscow had undertaken an enhanced coordination role. The principle aim of the demands put forward to the Georgian government was the conclusion of a new agreement on the non-resumption of hostility, otherwise known as a "new non-use of force" agreement. This demand was publicized as response to the alleged "military rhetoric" and "militarization" coming from Georgian side.

From this period on, Russia, together with the leaders of the separatist regimes, started to crystallize a discourse and image of Georgia as the "icon of aggressor," a narrative repeated over and over. The Government of Georgia's position regarding a new non-use-of-force commitment was highlighted and defended by the fact that such guarantees had been already set out as the basis of direct, bilateral commitments signed in previous agreements. These pre-existing commitments were deliberately ignored by the separatists and the leadership of the Russian Federation. It soon became evident that Russia, through its rejection of peace overtures, and the direct arming and militarization of Abkhazia, was in fact laying the groundwork for direct aggression and further intervention. The non-use-of-force issue was simply a purposeful misinformation campaign directed at the international community, with the intended result of painting Georgia as the "aggressor" of any future conflict.

The inflow of additional troops and equipment continued and was noted by international observers. Simultaneously, armed provocations become more frequent.

On May 31, the Ministry of Defense of Russia brought to Abkhazia 400 soldiers of the 76th Division of the Volgograd Railway troops. Violating all pre-existing agreements, the troops set about rehabilitating railway platforms purportedly for economic purposes. In fact, the areas and infrastructure rehabilitated were linked to Russian military sites and seemed intended to ensure the logistical requirements for the rapid transport of heavy military equipment.

From March onwards, Georgian authorities, together with friends and partners, made renewed efforts to calm the situation in the region—especially in light of the growing and real threat of Russian aggression and intervention. In addition to urging the international community to increase its involvement in conflict resolution, Georgian authorities attempted once again to establish direct communications with separatist leaders in Abkhazia and South Ossetia/Tskhinvali region.

During this period, Georgian authorities actively considered the issue of suspending the CIS Peacekeepers' Mission in Abkhazia—a CIS mission which, in fact, was comprised of Russian "peacekeepers" and whose mandate already had been violated. Given that the status quo was deteriorating and the peacekeeping mandate was being manipulated by Russia as a device to dangerously militarize the region, this issue was carefully considered. After consultations with Western leaders, however, the Georgian authorities decided against such a move.

At the same time, numerous international organizations expressed serious concern about Russian operations. Western leaders and senior diplomats explicitly appealed to the Russian Federation to abandon its provocative and destabilizing actions. As a result of the deteriorating situation in Georgia, the issue became a focus of formal and informal consultations by the G-8 countries and at the level of Russia-EU summits.

Simultaneously, Georgian authorities made further efforts to bring into action all existing formal and informal mechanisms in order to avoid a confrontation.

On May 12, by order of the President of Georgia, Irakli Alasania, then Permanent Representative of Georgia at the UN, traveled to Abkhazia in an attempt to persuade the separatists to agree on any form of progress, even small, in order to prevent further escalation.

On May 15, the UN General Assembly considered and then adopted by a majority of votes Georgia's Draft Resolution, "On Condition of Internally Displaced Persons and Refugees from Abkhazia, Georgia." In the resolution, the right to a safe and dignified return of IDP's was stated and emphasized as an imperative.

Between May 20-30, the Minister of Foreign Affairs of Georgia undertook a number of visits and meetings with Western countries to communicate the main concerns of Georgian authorities. These concerns included that the peace initiatives of the Georgian President continued to be rejected and that the unilateral actions of the Russian Federation were creating real threats to the peace. The concerns also included the urgent need of the immediate internationalization of the peace process and the withdrawal of the additional, illegal and growing Russian military forces.

In early June, the President of Georgia, Mikheil Saakashvili, met the newly elected Russian President, Dimitry Medvedev, in St. Petersburg. At this meeting, new hope emerged that the new Russian President might commit to a policy different than that of his predecessor. However, at the subsequent encounter between the two presidents—an unofficial meeting in Astana on July 5—it became clear that President Medvedev did not or could not pursue a different policy with regard to Georgia and the separatist regions.

At the time, a number of international institutions expressed their support for the Georgian position, although the process never extended beyond diplomatic pronouncements. Georgian officials exhausted every possible opportunity to discuss in detail with international colleagues the actions undertaken by the Russian Federation and the rapidly emerging threats. In May, at a special press

conference, the State Minister for Reintegration announced that Russia was on the verge of war with Georgia.

At the end of June, an informal meeting of Georgian and Abkhaz officials was held in Sweden, at which separatist representatives made unusually rigid statements, refusing to consider any issues pertaining to their interests until the beginning of the following year.

In parallel, a vigorous anti-Georgian campaign was launched in the Russian broadcast and print media. On websites, leaks of military plans for conquering Abkhazia (in Russian) supposedly developed by the Georgian military were aired and publicized. This information was widely distributed. It included a report, "Cunning Georgian Plan," which became a subject of further press and TV coverage and debates from "experts" and political scientists. Needless to say, these "plans" were fabrications.

From early June, military provocations by Ossetian separatists increased dramatically. The principle targets included the local population, the Georgian police, and Georgian peacekeepers. A pattern emerged whereby the separatist military forces appeared to be intentionally attempting to provoke the Georgian authorities to undertake a military response.

Simultaneously, South Ossetian separatist propaganda, in relation to humanitarian issues, intensified. The long-standing problems of water supply, travel by residents, and the actions of Georgian peacekeepers took on an ominous political tone, subject to direct distortion and falsification. Separatist disinformation was widely covered in the Russian media, leading to the emergence of a pattern whereby issues of a humanitarian nature were deployed along ideological lines with the aim to inciting future conflict.

From June 18 through to July 6 , several explosions were reported in Abkhazia. In particular, on June 18 and 20 in Sokhumi, on June 19 in Gagra, on July 2 near the river Enguri, and on 6 July in Gali, where 6 people were killed. The explosions resulted from confrontations among Abkhaz criminal groups. Nevertheless, the Abkhaz separatists blamed the Georgian authorities. In order to defuse the situation, the Georgian government proposed establishing a Georgian-Abkhaz police force that would be placed under the command of international police forces. While this plan was supported by the US State Department, the Abkhaz refused to participate.

The situation escalated to new levels on July 3 when an assassination attempt took place against Dimitri Sanakoyev, the leader of South Ossetian Temporary Administration. As a result of the explosion, five police officers accompanying Sanakoev were wounded. That same day, late in the evening, South Ossetian military forces started to fire machine guns and mortars at the Georgian villages of Nikozi, Ergneti, Prisi, Vanati, Tamarasheni, and Avnevi, all of which were under the control of the Georgian side.

On July 9, prior to the visit of United States Secretary of State Condolezza Rice to Georgia, four Russian military airplanes violated Georgian airspace. Although airspace violations had occurred in the past, this was the first time such a violation was formally confirmed by the Russian Foreign

Ministry. The Ministry explained the flights as necessary to "prevent the initiation of military conflict."

On July 13, according to eyewitnesses, approximately 100 Russian army tanks and self-propelled artillery entered South Ossetia/Tskhinvali Region territory from the Russian side of the border.

From July 15 until August 2 at the northern border of Georgia, Russia conducted large-scale military exercises entitled "Caucasus 2008." These exercises included 8,000 soldiers and 700 pieces of military equipment from the North Caucasus Military Oblast. They also included an aviation-landing subdivision, an air force subdivision, air defense divisions, Black Sea and Caspian Fleet representatives, Federal Security Service officials and troops, as well as internal forces. The Pskov and Novorossiysk aviation-landing subdivisions (that later participated in the invasion of Georgia) were trained at the Roki and Mamisoni Passes connecting Georgia with Russia.

The exercises were designed to simulate the invasion of a neighboring country under a pretext of humanitarian intervention. Despite this, a pamphlet entitled "Soldier, Know Your Probable Enemy" was distributed to participating soldiers, in which the structures and equipment of the Georgian Army were designated as the main targets. After completion of the exercises, most of the participating forces did not re-deploy and remained at the Georgian-Russian border, very close to South Ossetia/Tskhinvali region.

At the end of July, both the OSCE and the EU undertook efforts to organize Georgian-Ossetian meetings in Brussels. Despite full Georgian cooperation, these proposals were rejected by the separatist authorities. Simultaneously, efforts were undertaken to hold meetings between State Minister for Reintegration and the separatist leaders from the South Ossetia/Tskhinvali region through Russian intermediation, but these efforts were also rejected. At the same time, the Abkhaz separatists successfully blocked the German Peace Plan by requesting additional time to study it—despite its being only two-pages long.

During this period, it is clear that the separatists rejected any form of direct contact with the Georgian state, despite direct international pressure. In parallel, Russia actively increased its direct militarization of both regions.

Chapter 6: Intensive armed provocations and preparation for military aggression

29 July– 6 August 2008

During this period, the forces of the separatist regimes strengthened their control of the administrative borders and internal road networks, while militia and OMON (Russian Special Purpose Police) squadrons conducted regular raids against the Georgian state. Simultaneously, the number of armed attacks on Georgian enclaves in the Tskhinvali region increased markedly. Similarly, at the Georgia/Russia border, large troop formations were mobilized and there was a steep increase in the

number of visits from Russian Armed Forces and Special Service representatives to the headquarters of the CIS peacekeeping forces based in South Ossetia/Tskhinvali.
During this period, separatist Ossetian militia periodically opened fire on Georgian villages and launched attacks on Georgian peacekeeping posts. During these assaults, they used arms that were expressly prohibited in the region under the applicable agreements. This fact was confirmed in writing by General Kulakhmetov, Commander of the Peacekeeping Forces, deployed under the Sochi/Dagomisi agreement.

On August 2, the *de facto* South Ossetian authorities declared the mandatory evacuation of the civilian population living in villages controlled by the separatists. The evacuation of the civilian population continued until August 6.

In the midst of this tense situation, Georgian authorities repeatedly stated that they would not assume emergency powers. Rather, they continued to appeal to the Ossetian side to demobilize their troops and thus help de-escalate the unstable situation.

The Georgian authorities tried to reduce tensions and assuage separatist fears by keeping the international community informed of their actions, and attempting to re-launch negotiations aimed at restarting the stalled peace process.

It also should be noted that during this period Georgia, in an attempt to prevent the situation deteriorating further, did not recall the most combat-capable contingent of the Georgian armed forces that was based in Iraq. Rather, the Georgian Government continued to pursue a diplomatic solution to the conflict.

For example, on August 4, the State Minister for Reintegration, Mr. Temuri Yakobashvili, visited the villages that had incurred losses from attacks conducted on August 1. The Minister met with the local population, OSCE representatives, General Kurashvili (commander of the Georgian peacekeeping forces), and General Kulakhmetov (the Commander of the Joint Peacekeeping Forces and the highest military authority in the conflict zone under the Sochi Agreement). The State Minister expressed his immediate readiness to meet the separatists, but his offer was rejected and the proposed talks failed to occur.

After returning from the region, the State Minister immediately continued efforts to organize bilateral meetings with the Ossetian separatists, with the Russian side undertaking to act as a mediator. This fact was officially confirmed by the Russian Ministry of Foreign Affairs. On August 6, the ambassador-at-large of the Ministry of Foreign Affairs of Russia, Mr. Yuri Popov, arrived in Tbilisi to organize the bilateral meeting. However, on August 7, the meeting in Tskhinvali did not take place due to the vague and rigid position of the ambassador-at-large (who blamed a "flat tire" for his failure to appear at the meeting) and the separatists.

On August 5, the diplomatic corps accredited to Georgia visited the South Ossetia/Tskhinvali region and its members familiarized themselves with the results of the aggression committed against Georgian villages by the separatists. Despite preventative actions, and calls for restraint from the

Georgian government and the international community, the Russian Federation continued to move military units into Georgia to prepare for an escalation of the situation and large-scale war. This process was accompanied by intensive anti-Georgian propaganda in the Ossetian and Russian media. Russian reporters from different mass media outlets suddenly began providing on-the-spot reports from the conflict region. These reports consistently claimed that the Georgian side had conducted an assault against South Ossetia aimed at perpetrating genocide against the ethnic Ossetian population.

On August 6, armed formations opened fire on a Georgian Ministry of Internal Affairs post in the village of Nuli. The weapons involved were large-caliber machine guns and mortars. At the same time, weapons opened fire on the Georgian settlement of Nuli, and peacekeeping forces located in Avnevi were attacked. Similarly, shots were fired from the Ossetian village Tilina; the assault included the use of grenade launchers and 82 mm mortars and snipers.

The same day, large-calibre automatic rifles were fired in the direction of Sarabuki. The assault, with short breaks, continued till 06:00. Shots were also fired from the separatist-controlled villages of Prinevi, Ubiati, and Khetagurovo (the latter was the main artillery base of the separatists) towards numerous villages under Georgian control—Eredvi, Prisi, Avnevi, Dvans, and Nuli. These attacks lasted the whole night.

The above-mentioned actions by the separatists and the Russian Federation categorically indicate that intensive preparations were under way—preparations aimed at launching a full-scale war against Georgia.

Chapter 7: Full-scale military operations

7-17 August 2008

On August 7 at 03:41, according to intelligence gathered by Georgia, about 150 armored vehicles and trucks entered the Roki tunnel. Soon afterwards, the *de facto* "Minister of Internal Affairs of South Ossetia," Mindzaev, ordered all Ossetian units—together with regular Russian Army units, as well as mercenaries, contract fighters, and other paramilitary units—to strike and destroy any opposition they encountered.

It is noteworthy that at that time, in the conflict zone, in line with the previous agreements, only local police (which were monitored regularly by Georgian, Russian, Ossetian, and OSCE monitoring teams) and a joint Georgian peacekeeping unit of the joint peacekeeping forces were present in the conflict zone based on the 1992 Sochi Agreement.

By dawn on August 7, in the Prone Gorge, shots were fired towards the Nuli sentry post. On the Dzari-South Ossetia/Tskhinvali region road, a convoy of trucks and armored vehicles was observed moving towards Tskhinvali and Khetagurovi. Georgian peacekeepers' residential buildings in the area were bombed with 82mm and 120mm mortars and 122mm «Д-30» type howitzers. This incident resulted in two Georgian peacekeepers being killed, and left four Georgian peacekeepers wounded.

As the incidents escalated, the President of Georgia called a meeting of the National Security Council of Georgia for 12:00. Simultaneously, the President sent the State Minister for Reintegration to the South Ossetia/Tskhinvali region to meet with General Marat Kulakhmetov, Commander of the Joint Peacekeeping Forces, who was based at the Russian battalion headquarters. Despite the August 4 agreement, neither the Russian Special Affairs Ambassador, nor the South Ossetia/Tskhinvali region separatist government representatives, came to the meeting or accepted the Minister's overtures.

During the meeting, Genaral Kulakhmetov said that he could no longer control the separatists or their military actions. He also admitted that separatist paramilitary units were actively attempting to escalate the situation by firing towards the Georgian side from the close vicinity of Russian peacekeepers—thus giving the appearance of a direct Russian attack against Georgian forces. According to his information, separatist leader, Eduard Kokoity, was not in South Ossetia/Tskhinvali region and Mr. Chochiev did not answer his calls. In the opinion of General Kulakhmetov, the only way to cool the situation was for the Georgian Government to declare a unilateral ceasefire and ignore the provocative actions of the separatists and their Russian supporters (and then maintain the ceasefire unilaterally).

As soon as the State Minister arrived back to Tbilisi, after consultations with Georgian Government, he called a special briefing and announced that the Georgian side was declaring a unilateral ceasefire.

The Georgian Government had announced this unilateral ceasefire in an attempt to calm the increasingly tense situation. At 19:10, President Saakashvili addressed the nation to announce the ceasefire to the general public and also to reiterate Georgia's plea to Russian and separatist forces to stop their assaults and to begin diplomatic negotiations.

Despite the ceasefire from the Georgian side, weapons continued to fire towards the villages of Nuli and Avnevi. A Georgian peacekeeping unit was surrounded and its efforts to evacuate the civilian population, the wounded, and the dead peacekeepers from the hostility zone were forcibly halted.

Despite the efforts of the Georgian side to deescalate the situation, the attacks on Georgian villages did not stop. Indeed, at 21:00 an artillery bombardment of the village of Tamarasheni began and further large-scale movements of regular Russian Army units were observed moving towards Georgian territory via the Roki tunnel.

After these facts were confirmed by several independent sources, on August 7 at 23:35, the Georgian Commander-in-Chief ordered Georgia's forces to begin a defensive operation. This defensive operation had three objectives:

- The protection of the under-threat civilian population in the South Ossetia/Tskhinvali region;
- The destruction of armored units that were engaged in attacking civilians, police forces, and peacekeeping forces; and,
- The halt of Russian troop movements into the South Ossetia/Tskhinvali region via the Roki tunnel.

Consequently, on August 7 at 23:50, based on the order of the Commander-in-Chief of the Georgian Armed Forces, Georgian artillery units returned fire.

Georgian military efforts were directed towards previously identified military targets, located in the South Ossetia/Tskhinvali region and its vicinity. These targets were struck using the precision artillery "Dana" system. In line with Georgia's defensive objectives, artillery fire was also directed at a Russian tank convoy that was moving towards the South Ossetia/Tskhinvali conflict zone. Similarly, military aviation bombed the Gupta Bridge with the aim of stopping Russian tanks that were moving towards South Ossetia/Tskhinvali region. In a short period of time, the Georgian Armed Forces were thus able to move into the under-threat populated areas (except for Java). They were met by newly transferred units of the Russian Armed Forces which engaged Georgian troops in intensive battles. As a result, between August 8-10, intensive battles took place on all active fronts.

In the Russian press and select foreign media, a massive anti-Georgian campaign was launched. This media campaign included the widespread dissemination of falsehoods and illegitimate accusations against Georgia. For example, reports were released stating that "Georgian forces had bombed the sleepy capital of South Ossetia/Tskhinvali region with 'Grad' type multi-rocket-launchers." In the same way, falsehoods about imaginary atrocities committed by Georgian soldiers and the supposed killing of 2,000 Ossetian civilians were propagated, along with patently false information about fictitious attacks on Russian peacekeepers.

These lies, spread by the Russian-backed propaganda efforts, were used by Russia to legitimize its military aggression against the rest of Georgia's territory. These attacks, originating in the vicinity of Abkhazia, rapidly spread to the whole of the country. Worryingly, they included the massing of a large number of Russian troops and vehicles on Georgia/Russia border (including at Larsi).

The President of the Russian Federation officially declared the beginning of a "peace enforcement" operation in Georgia on August 8. Whilst the official declaration was a new development, there was little change on the ground: the Russian army had already been actively engaged in military activity on the territory of Georgia prior to the declaration.

Russia's attack against Georgia employed land, air, missile, and naval assets and concentrated on populated areas and key infrastructure. The area of combat operations extended well beyond the conflict zones and many different Georgian towns were bombed, including Tbilisi. In the Kodori Gorge, for example, a series of attacks were repelled several times by police forces located in the area. Russia renewed its attack and launched an artillery and air bombardment of the Gorge. The conflict was not simply territorial, cyber attacks were also employed against Georgian internet sites within and outside the country.

Unfortunately, the conflict occurred in the midst of the summer holiday period while the world's attention was focused on the Beijing Olympics. The international community was therefore not able to fully mobilize its resources until the war had already spread to the entirety of Georgia.

To avoid unjustified killing and further destruction, on August 11 at 17:00, the Commander-in-Chief of the Georgian Armed Forces ordered Georgian forces to begin withdrawing towards Tbilisi.

Military actions of Russia

Russia invaded Georgia via six fronts: land, air, naval, missile forces, cyber attacks, and a media war. The size, and concerted nature of the attack, clearly indicates that the operation was planned in advance. Indeed, according to military experts, a military operation of a similar scale and magnitude would have required at least four to five months of intensive planning.

As soon as Georgian Armed Forces left the combat area, Russian military units began invading deep into the rest of country, both from the South Ossetia/Tskhinvali region and from the direction of Abkhazia. They occupied different Georgian regions and villages and, after blocking the central highway, effectively divided the country in two (western and eastern Georgia).

On August 11, Russian forces began to actively occupy Georgian villages, both in the South Ossetia/Tskhinvali region and in Western Georgia. These military occupations extended well beyond the conflict zone, and included the towns of Gori, Khashuri, the Kareli and Zugdidi region, and the towns of Zugdidi and Senaki. Russian aviation also bombed a number of Georgian towns and regions, including the Kodori Gorge/Upper Abkhazia region, the Khelvachauri region in Ajara, a radar located near the Tbilisi airport, the Shiraki airport in Kakheti, the town of Gori, the town of Senaki, and villages in the Zugdidi region.

In addition to the aerial bombardment, Russian convoys started moving from the Zugdidi region to the Jvari pass and the town of Khaishi. It is understood that Russian forces planned on using Khaishi as a staging post from where they could invade Upper Abkhazia and the Kodori Gorge. In light of this information and in an effort to limit attacks against civilians, Georgian police started to leave the Gorge.

On August 11, Georgian Armed Forces prepared to defend the capital city.

On August 12, despite the withdrawal of Georgian troops to Tbilisi, Russia continued to bomb Georgian territories. Bombing took place in the Kareli region and the town of Kaspi, in the town of Gori, on the Baku-Supsa oil pipeline, and the Kaspi and Khashuri regions. A Russian military helicopter bombed a mini-bus on a highway near Gori that resulted in the deaths of 9 passengers. Russian airborne units and Abkhazian separatist paramilitary units attacked Upper Abkhazia/the Kodori Gorge and later occupied the villages of Zemo Azhara and Kvemo Azhara. Russian naval forces also attacked Georgia and destroyed Georgian Coast Guard ships.

Russian aviation used Iskander-/SS-26 rockets against the town of Gori. As a result of the use of cluster bombs in the town center and its vicinity, 8 people died and 15 were wounded, including one foreign journalist. (Later, Human Rights Watch found out that this atrocity had been wrought by a RBK-250-type bomb that contained 30 PTAB 2.5m bombs).

Although Russian President Dmitry Medvedev ordered a stop to military operations in Georgia, Russia continued bombing several times and to move its forces deeper into Georgia. By 16:00 on August 12, Russian forces had entered and occupied the town of Gori. Subsequently, separatist paramilitary units and so-called "volunteers" started robbing and looting the villages and terrorizing the local population.

On August 12, French President Nicolas Sarkozy successfully mediated a 6-point ceasefire plan between the Georgian and Russian presidents.

Throughout August 12, Russian troops continued their military assault, occupying the country's territories, and placing the capital of the country under the real threat. In this context, tens of thousands of people—regardless of their political, ethnic, or religious differences—marched united through the streets of Tbilisi to show their opposition to the Russian aggression. During the active phase of Russian military aggression, the Presidents of Lithuania, Poland, Ukraine, and Estonia, and the Prime Minister of Latvia, visited Georgia. They unanimously expressed their solidarity with the people of Georgia and the President of Georgia, and said that Russia did not have the right to invade an independent country. They declared that all who believe in freedom and democracy must today say they are Georgians.

On August 13, in Tbilisi, French President Nicolas Sarkozy and President Saakashvili agreed on the proposed 6-point ceasefire plan. During these peace negotiations, Russian aviation continued to bomb villages in the Gori and Kaspi regions. Separatist paramilitary groups continued their attacks and terrorizing of the population in the village of Karaleti, in the Gori region. Additional Russian armored equipment and troops invaded the town of Gori. Russian soldiers robbed and destroyed an artillery base near Gori. They continued the occupation of Georgian villages in the Kareli region. Worryingly, Russian troops were supported by unmarked paramilitary units that robbed and looted the village of Atotsi.

At the same time, Russian forces attacked in Western Georgia. In particular, Russian troops invaded the village of Pakhulani in the Tsalenjikha region and blew up three coast guard ships near the Poti harbor.

On August 14, additional Russian troops entered the towns of Zugdidi and Poti. They strengthened checkpoints in Zugdidi and vandalized and destroyed the military base in Senaki.

Violence was directed not only against the local population, but Russian and separatist paramilitary units also exerted pressure on journalists who came to Georgia to cover the war. On numerous occasions they were prevented from conducting their professional duties and in some cases were victims of direct aggression. Near the town of Gori, South Ossetian paramilitary units robbed journalists from a Canadian TV channel. Paramilitary fighters took their car, equipment, and documents. This incident happened in the presence of Russian soldiers, who did not react or protect the journalist. Russian soldiers also robbed 4 journalists from Israel, including the "Haarez" correspondent, Harshel Hepper, and photo-correspondent, Nair Kapri. During a live interview, while conducting her professional duties, a Georgian Public TV correspondent, Tamar Urushadze, was

wounded in the hand by a sniper. Near Gori, a group of Czech journalists, including Mirek Goruba, were robbed (the robbers took a vehicle and the Czech journalists' equipment).

Additional Russian troops were deployed in the following places: the town of Gori, the village of Mejvriskhevi in the Gori region, the villages of Ruisi and Tsveri in the Kareli region, the villages of Brotsleti, Mejvriskhevi, Gorisjvari, and Ruisi, the village of Mokhisi in the Khashuri region, and the villages of Agara and Dzeversha in the Kareli region.

A pattern emerged whereby after occupying a village, Russian forces then gave free reign to paramilitary fighters to loot the village while Russian troops continued to push into Georgian territory. Russian forces also terrorized the local population, broke into their homes, and looted food and other assets.

On August 15, in his interview with the Russian newspaper "Комерсант," separatist leader Eduard Kokoity publicly declared that the goal of his de facto South Ossetian authorities was to wipe out Georgian enclaves so that ethnic Georgians would never return to their homes.

Russian media provided generous coverage of the separatist leaders across all the major outlets in Russia, advancing the notion that the conflict was simply a "Georgia-Ossetia" war. Access to the South Ossetia/Tskhinvali region by members of the Georgian and foreign media remained strictly controlled by the Russian Ministry of Foreign Affairs. Russian and separatist forces also initiated and partook in the kidnapping of groups of people that in one instance saw four members of the Namgalaun family in the village of Goleti, in the Kareli region, abducted and taken towards the village of Znauri.

Beyond occupying areas populated by Georgians and terrorizing the local population, Russian forces also attacked national parks and nature reserves. Russian military helicopters dropped fire-setting incendiary bombs in the forests of the Borjomi region near the vicinity of the village of Tsagveri. The fires quickly spread through the coniferous forests and, because of their scale, became impossible to extinguish without outside help. Despite the obvious need for outside assistance, however the Russian air force did not allow the Turkish and Ukrainian air forces to help. As a result, 250 hectares of the unique Borjomi-Kharagauli forest were totally destroyed.

In addition, heavily armed Russian Army units moved from Senaki to Poti, where they vandalized Georgian Coast Guard facilities. Russian troops with armored vehicles and helicopters moved towards Tbilisi on the main road, establishing checkpoints near the village of Igoeti, in the Kaspi region, only 20 kilometers from Tbilisi and in the town of Khashuri. After establishing these checkpoints, security was provided by Russian tank units that helped to ensure their continued presence.

By August 16, Russian Army heavy vehicles had traveled from Senaki to Poti. The looting and terrorizing of the local population by separatists—who were by this point equipped with trucks and armored vehicles (in the Kareli and Gori regions)—continued. At the same time, Russian aviation bombed forests in the village of Khandaki in the Kaspi region, using incendiary bombs that led to the destruction of the forests.

Russian President Dmitry Medvedev signed the 6-point ceasefire plan, brokered by French President, Nicolas Sarkozy. Yet Russia denied entry of Turkish and Ukrainian aircraft into Georgian airspace to assist with extinguishing the fires that continued to rage in the Borjomi and Kharagauli forests.. This display of non-cooperation, despite the signing of the peace accord, was further exemplified in the continued bombing by Russian forces of forests around Surami.

Russian forces also blew up a railroad bridge near the village of Grakali and severed railroad connection between Western and Eastern Georgia, complementing the full communication blockade that was already in place.

Notwithstanding the fact that the 6-point ceasefire agreement had been signed by the Russian President, new armored vehicles were moved to the entrance of Akhalgori. Along with the military occupation of Georgia, the Georgian population living within the occupied territories was subjected to growing and extreme pressures to assimilate with their Russian occupiers. Specifically, the population in Akhalgori was told to accept Russian passports, so that they could immediately acquire citizenship of the Russian Federation, theoretically avoiding further harassment at the hands of Russia.

By August 17, it was clear that Russia had fully violated the 6-point ceasefire agreement. The strengthened presence of Russian forces at the Senaki military base, the occupation of villages in the Senaki region, and the deployment of South Ossetian paramilitary units in Akhalgori, all highlighted the degree of violation. The mining of two bridges near Kaspi and the roads to Mestia—as well as the placement of Russian units at the Supsa oil terminal and the seizing of full control of the Enguri power station—signaled the degree of Russian involvement. All these actions made it clear that Russia had boldly and knowingly occupied the territory of Georgia and had, through the deployment of double standards, strengthened its position

Chapter 8: Occupation of Georgian territories and efforts to "secure" and legalize the facts of occupation

18 August – 8 October 2008

By August 17, Russian Federation troops were located in different regions of Georgia that were well outside the conflict zone, including: Zugdidi, Senaki, Poti, Gori, Khashuri, and others. In the morning of August 18, further Russian troops were deployed near the village of Igoeti, blocking the way to Kaspi.

By this time, the blockage of the central motor highway by Russian troops led to an almost complete separation of Western and Eastern Georgia.

On August 18, the Russian Ministry of Defense made a statement about the withdrawal of Russian armed forces from the territory of Georgia. However the troops were not withdrawn. Outrageously,

the Russians later tried to change the statement, asserting that what they had in fact advocated was an intention to "move" the troops rather than withdraw them.

International institutions did their best to engage and influence Russian decision makers and on August 18, French Minister of Foreign Affairs, Bernard Kouchner, underscored the necessity of sending international peacekeeping forces to the conflict zone. The next day, the OSCE permanent council decided to immediately send 20 observers to the "security zone" adjacent to South Ossetia/Tskhinvali region.

Despite these appeals, Russia continued to occupy new areas of Georgia. On August 20, the South Ossetian separatist regime declared the establishment of a new administration in the Akhalgori region. That same day, Russian troops occupied the village of Perevi in the Sachkhere region, established further checkpoints at the entrance of Poti, and, on August 20, began digging trenches in Poti.

Movement within zones occupied by Russian troops remained limited. On August 21, the Russian Embassy in Georgia sent a note to the Georgian Ministry of Foreign Affairs declaring that any delegation wishing to enter the occupied city of Gori must inform the Russian Ministry of Defense in advance. Journalists were also obliged to obtain permission from the Russian Ministry of Foreign Affairs in order to enter the occupied regions.

In violation of the 6-point ceasefire agreement and international norms, Russian occupation troops begin to establish so-called "buffer zones." They also set up checkpoints both in Eastern and Western Georgia.

Following the announcement that American ships from the 6th Fleet loaded with humanitarian aid had exited the Bosphorus, Russian troops began gradually leaving Igoeti, Zugdidi, Senaki, Gori, and Khashuri.

Due to blockage of the central highway and terrorist acts and bombings conducted along the railway infrastructure and pipelines, the Armenian and Azerbaijani economies suffered extensive losses.

On August 26, Russian President, Dimitry Medvedev, signed a decree unilaterally recognizing the independence of Abkhazia and South Ossetia/Tskhinvali region. This action broke with all recognized international norms and rules. That same day, Russian military ships, led by the rocket cruiser "Moscow", entered Sukhumi port.

On August 28, in response to Russia's aggressive actions against the Georgian state, the Georgian Parliament formally declared the Russian military forces to be occupation forces and the Abkhazia and South Ossetia/Tskhinvali regions as occupied territories. On September 3, Georgia officially broke off relations with Russia.

On September 1, citizens of Georgia organized one of the most impressive demonstrations against Russian occupation in the history of Georgia. Thousands of people created a human chain around the capital city and throughout the whole of Georgia under the slogan, "Stop Russia." This demonstration

displayed the unanimity of the Georgian nation in opposition to the aggression conducted by Russia. It was in the hope that an appeal could be made to the international community for help in freeing Georgia from Russian occupation that this demonstration functioned to represent a dual message, namely of unanimity and a desire for change. Similar events were held in other capitals around the world.

It should be noted that a demonstration was also organized in Moscow, where participants marched peacefully and chanted proclamations and slogans, such as "I am Georgian."

Given the blatant disregard by Russia with regard to the six-point agreement, a meeting was held between the French and Russian Presidents on September 8. Based on this meeting, an annex to the 6-point agreement was worked out, according to which, Russian armed forces were obliged to dismantle 5 observation posts on the Poti-Senaki line. The annex also covered for the withdrawal of military formations from the adjacent territories of Abkhazia and the South Ossetia/Tskhinvali region to the pre-war line.

The above-mentioned plan had to be executed within a 10-day period, followed by the deployment of international forces and at least 200 EU observers to these regions. The latter would be deployed no later than October 1. According to the same document, Georgian armed forces were required to return to their permanent barracks no later than October 1. The OSCE and UN were instructed to continue activities established by their mandates and on October 15, the Geneva Process of international discussions was intended to commence.

The Georgian authorities used every opportunity in the international arena to demonstrate Russian aggression and its outcomes. In response, a number of states initiated diplomatic efforts to establish a non-recognition policy for Abkhazia and South Ossetia/Tskhinvali region. At the end of September, at the annual UN General Assembly, the President of Georgia called on Assembly members to follow the UN basic principles and immediately embrace a non-recognition policy for the two occupied regions.

To prevent Russian annexation of the occupied territories, the Georgian Parliament passed a law on September 23 on the occupied territories, declaring a ban on all kinds of economic activity in the territories taking place without the consent of the central government.

In order to examine more deeply the reasons for the war and its results, on October 7 the Parliament of Georgia established a temporary investigative commission. The President of Georgia and 22 high-ranking military and civilian officials answered questions posed by the commission and, for about 5 hours the President of Georgia himself responded to questions. The commission has since published its conclusions and recommendations.

Due to the extent of military aggression against Georgia, the Georgian economy had been seriously damaged. This was manifested in military, civilian, transportation, and other key infrastructural and environmental damage. Thousands of people had been rendered homeless and jobless with a sharp fall in international investments further compounding the Georgian economy and people. In the initial

report for the 2008 Donor Conference, it was stated that the level of economic growth had decreased from 9% to 3.5%.

Chapter 9: Reactions to Russia's aggression by the international community, Georgia's allies and international organizations

8 October 2008

The August 2008 Russian aggression against Georgia lifted the veil on Russia's real intentions towards Georgia and dramatically highlighted the biased nature of Moscow's so-called "peacekeeping" policies and mediation efforts. In light of this, the international community recognized that what had happened in Georgia was the occupation and annexation of Georgian territories by the Russian Federation, rather than a consequence emanating from Georgia's "internal conflicts." It is clearly noted in Council of Europe Resolution #1633 (2008) that in August 2008 "the Russian Federation occupied significant parts of Georgia's territory and assaulted its economic and strategic infrastructure." This incursion was labeled an attack on Georgia's sovereignty and a violation of CoE statutes, and was another example of an attempt by Russia to spread its influence throughout "the near abroad."

The worldwide reaction to Russia's war in Georgia has been unambiguous. The West was indignant with regard to Russia's overt aggression in attacking a small neighboring country and annexing more than 20% of its territory. For objective observers around the world, it was difficult to understand how in the 21st century Russia could attack an independent state and occupy it, under the pretext of supporting separatist regimes; deploy its military bases not only in the separatist regions, but also remote territories and even drop bombs in Tbilisi.

When the war began, the progress of events was covered by international media around the world on a round-the-clock basis. High-ranking officials of nearly all democratic states condemned Russia's action and called on Moscow to enforce an immediate ceasefire and withdraw its forces. Moreover, US and European officials paid frequent visits to Georgia to lend support to its people and to its democratically elected government. Visitors included the European Commission President and EU High Representative for Common Foreign and Security Policy.

The UN Security Council also held six emergency meetings between 8 August and 28 August dedicated to the Russian-Georgian war. However, it regrettably failed to adopt a resolution on 19 August (94/29) and 28 August (9438) due to the veto wielded by the Russian Federation.

An EU Ministerial summit that gathered on 1 September 2008, in Brussels, labeled Russia's actions as disproportionate. Ministers condemned Russia's one-sided decision concerning the recognition of the independence of Abkhazia and South Ossetia/Tskhinvali region, and called on EU member states not to acknowledge the independence of the separatist regions. A joint communiqué document affirmed Georgia's sovereignty, independence, and territorial integrity. It further called upon Russia to fulfill

the 6-point agreement and for all Russian forces to return to their prewar positions. Hope was expressed in the document that Russia would not make the decision to isolate itself.

On September 1, the EU Council decided to send no fewer than 200 independent civil observers to Georgia, under the aegis of the Security and Defense Policy of Europe, and to appoint Mr. Pierre Morel as the EU's special representative on the Georgian crisis. The Council also called on the European Commission to prepare a donors conference to attract funds to support the reconstruction of Georgia's economy and to provide assistance to internally displaced people.

On September 3, the European Parliament in Brussels adopted Resolution #3 concerning the situation in Georgia. The resolution confirmed and underlined the Parliaments unconditional support for Georgia's independence, sovereignty, and territorial integrity within its internationally recognized borders. The resolution condemned the issuance of Russian passports to the South Ossetian population, the strengthened military activities in villages settled with Georgians, and Russian maneuvers near Georgia's border. The document stated that approximately 158,000 people had been internally displaced and denounced Russia's recognition of the separatist regions as independent.

On August 19, the OSCE Permanent Council decided to immediately send 20 observers to the so-called "security zone" near the South Ossetia/Tskhinvali region. An emergency meeting of NATO Foreign Ministers was held the same day, at which a joint statement was made on the inexpediency of continuing "business as usual with Russia."

Nevertheless, Russia took no further steps to fulfill its obligations under the 6-point ceasefire agreement. Instead, Russia sped up the process of digging trenches in Senaki and Poti. The Georgian people only began to feel a modicum of safety when the US ship USS McFaul arrived in the port of Batumi with humanitarian aid on August 24.

By August 29, there were 10 NATO ships in the Black Sea off the Georgian coast: three US ships; a Spanish frigate, "Admiral Juan de Borbon"; a Polish frigate, "General Pulaski"; a German frigate, "Liubek"; and four Turkish ships.

According to the August 12 , agreement, the Geneva negotiations concerned the development of security and stability mechanisms in the region.

Five rounds of negotiations have taken place in Geneva to date. The joint statement made by the three mediators (EU, OSCE, and UN) by the end of the fourth round says that the parties had agreed on an incident-prevention and response mechanism, which foresees the establishment of a 24-hour hotline and regular meetings to discuss any specific cases.

On October 2 , the European Parliament adopted Resolution #1633 that referred to Russia as an aggressor. The resolution further noted that the recognition of the independence of Abkhazia and the South Ossetia/Tskhinvali region by Russia was, had been, and continued to be a gross violation of international law. The resolution underlined the following facts: the inability of the pre-war peacekeepers to protect the lives and property of those in the conflict zones: the occupation by the

Russian Federation of a significant part of Georgia's territory; and Russia's attempt to spread its influence throughout "the near abroad."

With respect to the fulfillment of the abovementioned resolution, the Council of Europe Parliamentary Assembly has adopted three more resolutions—#1647 (2009), #1648 (2009), #1664 (2009)—all condemning Russia's failure to meet its obligations. Indeed, they criticize Russia for the non-mandated deployment of Russian forces, the building of new military bases in the separatist regions of Abkhazia, South Ossetia/Tskhinvali region and in the villages controlled by Georgia, and the continued attacks directed against Georgian policemen. These resolutions also underline and condemn the ethnic cleansing carried out in the South Ossetia/Tskhinvali region against indigenous Georgians, the ongoing gross violation of human rights, the rejection of the Georgian language, the forced issuance of Russian passports, and the restriction of movement and the non-admittance of international monitors to the occupied territories.

In December 2008, the EU formed an independent international commission led by Swiss diplomat Ms. Heidi Tagliavini to study the issues related to the beginning of the conflict and its development. It is worth noting that the Georgian Government was the first to call for such an independent international commission.

Gross violations of human rights in the occupied territories of the South Ossetia/Tskhinvali region, as well as in the nearby territories, are contained in a report penned by the Council of Europe Human Rights Commissioner, Thomas Hamarberg. He determined six immediate principles for human rights and humanitarian protection for the conflict victims:

1. Right of return.
2. The right of internally displaced people to adequate care and support.
3. The right to be protected from danger caused by remnants of war.
4. The right to protection against lawlessness.
5. The right to protection of detained/arrested and missing persons.
6. The right for international assistance and an international presence on site.

The OSCE High Commissioner for National Minorities Issues also issued a statement in the Hague on 14 April 2009. He called for the Abkhazian *de facto* government to end the pressure being placed upon the Georgian population in the Gali region, manifested in limitations on the Georgian right to education, the forced issuance of Russian passports, the forced recruitment of Georgians into the Abkhazian army, and a restriction on the free and independent movement.

Many egregious human rights violations were also noted in an extensive report published under the auspices of the influential NGO Human Rights Watch.

According to international law, an occupying state is responsible for the protection of human rights on the territory it occupies. Unfortunately, the Russian Federation has chosen to ignore this fundamental principle. Moreover, Russia continues to block the much needed entry of humanitarian organizations into the territories under Russian occupation

The international community has stated on a number of occasions the necessity for international monitors to enter the occupied territories and the so-called "buffer zones." However, to date Russia continues to block the entrance of observers to territories that remain under its control. Russia has also attempted to block decisions at the UN Security Council concerning international monitoring.

On 18 September 2008, the OSCE Permanent Council decided to increase the number of military monitors in Georgia to 100. A number of these military monitors were supposed to be located in the territory adjacent to the South Ossetia/Tskhinvali region. The monitors were to have observed and verified the full implementation of the ceasefire agreement, established a humanitarian corridor, supported the secure movement of internally displaced people, and ensured secure and free movement on the entire territory of Georgia. The Russian Federation vetoed the project.

On 4 December 2008, Russia used its veto again at the OSCE Ministerial in Helsinki to block any attempt to prolong the OSCE mission in Georgia. Similarly, Russia has used its veto powers in the United Nations Security Council to block the extension of the UNOMIG mandate. On 15 June 2009, the Russian Federation vetoed the 16-year-long presence of the United Nations Observer Mission in Georgia, citing changed realities on the ground and stating that Russia could no longer support Georgia's territorial integrity. To the disappointment of the international community and Georgia, and to the detriment of regional stability, UNOMIG has now been terminated.

Based on the decision made at the September 1 EU emergency summit, the first EU observers arrived in Georgia on September 24. On October 1, 22 member countries sent more than 200 observers to Georgia.

The EU observers' mission started in Georgia on October 1. The final decision to send the mission was made on September 15, as agreed in the 6-point ceasefire plan (August 12) and additions that had been made to it (8 September). Today more than 200 observers are involved with the mission[1]. Its central office is located in Tbilisi, with regional offices in Gori, Poti, and Zugdidi. The mission budget is €35 million. The mission mandate is for 12 months with the possibility of prolongation. The EU observers' mission mandate foresees a monitoring task throughout Georgia

The presence of the EU Monitoring Mission (EUMM) in Georgia is of political importance, though in practical terms it is failing to fulfill its obligations because of Russian obstruction. The Russian Federation has prohibited the mission from entering the occupied territories. Unfortunately, the EUMM's current mandate limits it solely to monitoring functions, and does not allow for it to undertake police or peacekeeping responsibilities. It will be of vital importance for Georgia for the mission to be given police functions.

[1] The mission consists of 388 persons (340 international and 48 local members), from which 226 are observers.

State and individual donors provided unprecedented support to Georgia at the Donors' Conference in October 2008, held in Brussels, by allocating approximately USD 4.5 billion to assist Georgia with the task of supporting and resettling tens of thousands of internally displaced persons, rehabilitating damaged infrastructure, and improving the economy.

On 4 March 2009 the "European Commission for Democracy through Law" (also known as the Venice Commission) confirmed that: "the presence of military forces of any other state on territory of Georgia, without an explicit and voluntary consent expressed by the state of Georgia, shall be deemed illegal military occupation of the Territory of a sovereign country".

Conclusion

The history of the conflicts in Abkhazia and the South Ossetia/Tskhinvali region, amplified by the August 2008 war and its aftermath, has made unequivocally clear that these conflicts were instruments manufactured and manipulated by the Russian Federation aimed at subverting the Georgian state.

The intensity of these conflicts has fluctuated over time. But after Georgian statehood grew stronger, and the country advanced toward integration into European and Euro-Atlantic institutions, Russia resorted to open military aggression. The conflict regions served as a pretext to commit aggression. However, Russia failed to achieve its desired aim, falling short in its efforts to disrupt the statehood of Georgia. Nearly one year has elapsed since the war, but Russia has failed to either directly or indirectly legalize *ex post facto* the outcomes of its military aggression. Not a single state worldwide has recognized the independence of Abkhazia and "South Ossetia." (The decision of the President of Nicaragua, Daniel Ortega, to recognize the occupied regions has been suspended by the Parliament of Nicaragua).

In an attempt to support the process purporting to secure *de jure* acceptance of its infringement of Georgia's territorial integrity, Russia had to unilaterally block the OSCE Mission in Georgia and to use its veto in the Security Council to end UNOMIG after 16 years. In doing so, Russia has isolated itself internationally, while failing to breach the sovereignty of Georgia, attain *de jure* infringement of its territorial integrity, or gain support for its military aggression and occupation.

Now that Russia has revealed itself as an aggressor and occupying power, the international community's understanding of the conflicts has been fundamentally altered. The deployment of Russian armed forces in Abkhazia and the South Ossetia/Tskhinvali region is patently illegal. Furthermore, Russia continues to persistently breach every single point of the 6-point ceasefire agreement brokered by President Sarkozy of France and signed by President Medvedev of Russia. This is the sole existing agreement related to the present conflict. Russia's responsibility as a party to the conflict has been revealed. It has been ascertained that Georgia does not have internal conflicts, but rather that it has an international conflict with the Russian Federation—in which it has been, and continues to be, actively engaged in using Abkhaz and Ossetian separatism against and in opposition to the statehood of Georgia.

The resolution of this international conflict requires substantially new approaches, the objective of which should be the full de-occupation of Georgia. In parallel, both Georgia and the international community must aim for de-escalation that will ensure the protection of human rights for those people, irrespective of ethnicity, residing in the occupied territories of Georgia. Protecting their lives, rights, and property—and creating conditions that will allow for the safe, voluntary, and dignified return of refugees/IDPs to their homes—demands sustained international attention.

War casualties among civilian, military and media personnel:

- The aggression committed by the Russian Federation against Georgia has taken the lives of 412 persons. These have included 228 civilians; 170 military; 14 policemen. Meanwhile, 10 military and 14 policemen remain missing.
- One foreign and two Georgian journalists have died and four journalists have been wounded in the exercise of their professional functions.
- 1747 citizens of Georgia have been wounded; among them 973 military, 547 civilians, and 227 policemen.

Summary

On August 7, 2008, Russian armed forces, already pre-positioned on Georgia's northern border with the Russian Federation, launched a massive, coordinated, and—given the scale of the enterprise—premeditated assault on Georgia. Russian forces crossed the border into South Ossetia/Tskhinvali region and, hours later, into Abkhazia. The highly calculated, full-scale attack took place on land, at sea, by air, and via cyberspace. The reason Moscow gave for its invasion of Georgia—to stop a genocide—was later debunked as a lie.

By August 26, 2008, the Russian Federation, in blatant violation of the ceasefire agreement its President had signed just two weeks earlier, had formally recognized these two territories as independent. This was clearly the culmination of a long-term plan to subvert the Georgian state and control Georgian territories. For nearly two decades of this interstate conflict between Russia and Georgia, Moscow had succeeded in using the separatists as their proxies; now, Russia effectively had occupied and was attempting to fully annex these Georgian territories.

As evidence mounted of the scale of the Russian incursion, the Georgian Government concluded that it had been left with no choice but to order military action to counter what was rapidly becoming an invasion—with aims that went far beyond a dispute over two Georgian territories. The principal intent of Georgian military action was to retard the Russian advance so that international diplomatic efforts could prevent Russia from fully occupying Georgia; in this, Georgia's decision to act met its goal.

The decision by the Government to defend Georgian territory was informed by a variety of factors enumerated in this note. Due to the space limitations of this summary, however, justice cannot be done to the vast quantity of evidence that elsewhere has been made available to the Commission. Similarly, it is critical for readers to note that every point made in this summary is backed by abundant evidence contained in over 200 separate documents and other material submitted to the Commission.

Among the key points documented in the submissions provided to the Commission by the Georgia are:

1. An analysis of the Russian Federation's actions over many years offers ample evidence that Moscow was intent on subverting the Georgian state—either by peaceful or violent means—in order to divide and rule its southern neighbor. The persistent refusal of successive governments of Georgia to accede to Moscow's de facto control of Georgian territories gradually increased the likelihood that Russian would resort to using military force. In March 2008—perhaps prompted by the West's recognition of Kosovo's independence the previous month—Moscow activated a premeditated series of legal, military, paramilitary, and diplomatic maneuvers intended to create a pretext for invasion.

   The events of August 7, therefore, followed many months of sustained legal, political and military provocations against Georgia preceded by years of Russian consolidation of control within these territories. During these years and months, Russia demonstrated a calculated disregard for the international agreements to which it was party. It abused its role as a peacekeeper. It systematically obstructed all efforts—many of them initiated by the Government of Georgia—to establish a real peace process that would have brought the government in Tbilisi into an understanding and agreement with the de facto authorities of the territories of Abkhazia and South Ossetia/Tskhinvali region. Instead, Moscow turned the de facto authorities into proxies for Russian control—in many cases even filling the most senior political and military positions with appointees directly from Russia.

   A few significant milestones in Russia's policy include:

   - The long-term ethnic cleansing of hundreds of thousands of Georgians from the conflict zones in order to homogenize the populations and consolidate political control;

   - An illegal campaign of passportization in the conflict zones beginning July 2002 to manufacture "Russian citizens" to protect; it was the spurious claim of "protecting" these citizens that Moscow subsequently invoked when it invaded Georgia last August;

   - The abrogation of international agreements regarding economic and arms sanctions in the proxy territories; Closure of border, transport communications channels with Georgia; deportation of Georgian nationals from the Russian Federation; an economic embargo imposed on Georgian products;

   - Suspension of the CFE treaty on December 12, 2007. Simultaneously, an extensive military build-up in close proximity to Russian-Georgian borders, as well as in conflict regions;

   - The extension of legal links by Russia to South Ossetia/Tskhinvali region and Abkhazia in April 2008;

   - An intense anti-Georgia propaganda campaign;

   - A rapidly escalating illegal military buildup in the conflict zones (from spring 2008 onwards, including rehabilitation by Russian Railway Troops of railway and transportation infrastructure in

the areas clearly demonstrating Russia's main aim of preparing the necessary logistical infrastructure for the rapid transit of heavy military equipment;

- Targeted assassinations and other armed provocations in the territories during the days and weeks immediately before the invasion.

The granting of the 2014 Winter Olympics to Sochi lent weight to the view that Russia intended to consolidate its control of Abkhazia and even to "settle" the issue well before it might become a political liability in the context of the Games. In addition, there was evidence of much greater Russian business activity and related acquisition of property in Abkhazia once the Sochi decision was announced.

2. Georgia began to intensify its engagement with the international community in order to stop Russia's political interference in its territories, to prevent any potential military invasion, and to seek a negotiated settlement of the conflicts. Tbilisi also made numerous proposals for negotiated solutions. These warnings and proposals were met initially with relative indifference. Only minor confidence-building measures were ever implemented, in part because the international community perceived this as an internal conflict, rather than the more complex interstate conflict that it actually was. Since Moscow effectively controlled the peacekeeping and negotiating structures—which it abused and perverted over the years—no meaningful reconsideration of these structures was ever achieved. Finally, when Western mediators sought to intercede diplomatically in early summer 2008, their late efforts proved unsuccessful.

3. Years of stalemate had left all ethnic populations in both conflict zones impoverished and without any effective protection of basic rights; Georgians in particular were targeted and persecuted on ethnic grounds.

More specifically, immediately following the election of a legitimate democratic government in Georgia in 2004, the Georgian Government made the first of several efforts to launch a genuine peace process for South Ossetia/Tskhinvali region and Abkhazia.

The Georgian Government made significant efforts to achieve peaceful resolution through soft power initiatives. One prominent examples of the success of these efforts was establishment of a Temporary Administrative Unit in the South Ossetia/Tskhinvali region, headed by ex-separatist leader Mr. Dimitry Sanakoev, who was elected by the local population.

The Russian Federation and its proxy leaders rejected Georgia's peace initiatives—which included broad autonomy, power-sharing in the central government, guaranteed language/cultural rights, economic rehabilitation projects, and extraordinary constitutional rights — each time they were proposed, even when the international community backed the initiatives.

In the spring of 2008, the Government of Georgia began to repeatedly alert the international community that the Russian Federation was escalating pressure on Georgia. Senior Georgian officials sought meetings with their foreign counterparts to generate a consensus on how to respond to Russian provocations; the Government of Georgia also sought direct discussions with the President of the

Russian Federation, which the latter rejected; the Government also sought repeatedly to engage the de facto authorities in direct negotiation. None of these efforts succeeded in slowing Russia's political and military escalation in the territories.

In June 2008, as Russian provocations escalated further, Moscow and its proxies repeatedly subverted a peace initiative mediated by the German Foreign Minister; Then, on the eve of the invasion, the OSCE Chairman in Office proposed talks in Helsinki between South Ossetia/Tskhinvali region proxies and the Georgian Government; that proposal also was rejected.

This relentless rejection of peaceful overtures for negotiation compelled Georgia to conclude that Moscow intended to use force. Tbilisi assessed that Russia would choose a moment that offered the best military and political opportunity to act with impunity. The heat of August, when the world's attention was turned to the opening of the Beijing Olympics, seemed to offer Moscow this opportunity.

4. Beginning in 1990, Georgia was subjected to a relationship with the Russian Federation that ranged from cool to hostile, with the recent President of Russia making explicit threats to his Georgian counterpart about the fate of Georgian territories.

The events of November 2003—the Rose Revolution—and the subsequent election of a new democratic government were not welcome in Moscow, a fact that was quickly made apparent to Georgian authorities. Despite dramatic efforts of the new Georgian Government aimed at establishing friendly relationships with Russian federation - starting with the visit of the newly elected president to Moscow as his first international post-electoral visit and the closure of the border with Northern Caucasus - Russia's increasingly hostile intentions towards the new government were made crystal clear by a series of incidents and statements by senior Russian officials. By December 2006, President Putin felt confident enough to warn his Georgian counterpart that he would create "a northern Cyprus" in Georgia. President Putin has given the same warning to the Secretary General of NATO. History has taught Georgian governments to take Russian threats at their word.

5. Russia's pursuit of Georgia's strategic isolation operated in tandem with Moscow's policy of subverting the independence and sovereignty of Georgia. On this, there was no doubt in the Government of Georgia.

The Georgian Government, since 2004, has pursued a strategic course that aims to integrate Georgia more fully into Euro-Atlantic institutions and to make it an independent asset for the supply of energy and access to regions beyond the Caspian Sea. While Georgia's strategy was in no way intended as a threat to the Russian Federation, Moscow chose to object with increasing venom.

In 2006, Russia imposed a full trade, financial, postal, and transport blockade of Georgia (an act of great impact, given that 70% of Georgian exports at the time went to Russia). Moscow also began to discriminate against and to expel ethnic Georgians from the Russian Federation.

Furthermore, Russian diplomatic efforts to depict Georgia unfavorably in Europe were supported by a sustained and very well-resourced anti-Georgian propaganda campaign.

Georgian authorities also noted with alarm the degree to which the process leading to the unilateral declaration of independence (UDI) of Kosovo and its subsequent recognition by some key NATO states had angered Russia and placed the territories of Abkhazia and South Ossetia/Tskhinvali region at risk. Georgia expressed its concerns about this at the highest levels. For his part, President Putin informed the Georgian President that Georgia would pay a price for this decision.

Until July 2008, international attention had focused on the military escalation and other provocations in Abkhazia. Then, the Russian Federation shifted its provocations to South Ossetia/Tskhinvali Region. On July 16, there was an attempt to assassinate Dimitry Sanakoev, the unionist South Ossetian leader. Subsequently, there was an escalation of incidents that are fully recorded in the submissions of evidence to the Commission. However, the strategic relevance of the South Ossetian theatre was that it confirmed the worst fears of the Georgian Government: it was a brief and direct route towards the heart of Georgia and the quickest way to split the country, control the highways, debilitate the economy, and to take Tbilisi.

In the days before the full-scale Russian invasion, the provocations in South Ossetia proliferated, with armed attacks and killings, including the killing of two Georgian peacekeepers on August 7, before the outbreak of full-scale hostilities. The propaganda campaign against Georgia in Russia also grew to a fever pitch Russia and its proxies announced the evacuation of women and children from the territory. It is to be noted that during this period Georgia, in an attempt to prevent the further escalation of the situation and to try to deal with the situation through diplomacy, did not recall from Iraq the most combat capable contingent of the Georgian armed forces.

6. In the early morning of August 7, 2008, the Ministry of Internal Affairs of Georgia obtained the first communication intercept indicating that a Russian military unit that included tanks and military trucks loaded with soldiers had entered the Roki Tunnel. In the evening of August 7, the Government of Georgia faced a qualitatively changed situation: despite numerous attempts to decrease tension and a unilateral ceasefire implemented by the Government of Georgia, Georgian-controlled villages, police, and peacekeeping posts were under continuous fire. In this context, civilians in the already cut-off enclave were defenseless and, for the first time, two Georgian peacekeepers were killed as a result of targeted military attacks that afternoon. In addition to publicized reports on the inflow of mercenaries into the region and initial human intelligence reports of a Russian army intrusion, the Government of Georgia obtained solid evidence that a large-scale Russian invasion was in progress. In response to these escalations, and consistent with his constitutional duty (Article 71 of the Georgian Constitution) to protect the sovereignty and territorial integrity of Georgia as well as the security of Georgia's citizens, at 23:35 on August 7, the President of Georgia issued an order to start a defensive operation.

7. The focal point of this campaign was the charge of genocide against Georgia. The purported genocide of 2,000 South Ossetians was the ultimate casus belli invoked by Russia for its invasion; this lie of course was later debunked by the international community and the Russians themselves. But the falsehood had served its purpose and the grave damage—to Georgia and to the international community—had been done.

Given the factors outlined in this note and the relevance of the geographical choice of intervention by Russia, the Government of Georgia could only conclude that it had to react immediately in self-defense to slow down the Russian invasion.

Georgia's use of defensive military force succeeded in retarding the Russian onslaught, thus buying time for the international community to mobilize—leading to the August 12 signing of the August 12 ceasefire agreement negotiated by President Sarkozy of France and signed by Presidents Medvedev and Saakashvili.

Unfortunately, Russia immediately violated that agreement by recognizing the occupied territories as independent on August 26. In the year since, Russia has remained in continued violation of every one of the six points of the August 12 ceasefire agreement, especially by not withdrawing its forces to the positions they had by 7th of August. Furthermore, Russia recently has sown greater instability in the region by killing the OSCE and UNOMIG missions in Georgia. Moscow's veto of these two missions defied the unanimous view of the rest of the international community and has created additional obstacles to the return of IDPs, the protection of basic human rights, and the negotiation of a lasting settlement to the conflict.